By Mr. McCORMACK:
H. R. 6621. A bill for the relief of Jeremiah Lipkind; to the Committee on Claims.
By Mr. OUTLAND:
H. R. 6622. A bill for the relief of Max Schlederer; to the Committee on Claims.
By Mr. REECE of Tennessee:
H. R. 6623. A bill for the relief of Thomas F. Gibbons; to the Committee on Military Affairs.
By Mr. SUMNERS of Texas:
H. R. 6624. A bill for the relief of Lawrence Edgar Edwards; to the Committee on Immigration and Naturalization.
By Mr. VOORHIS of California:
H. R. 6625. A bill for the relief of Gertrude O. Yerxa, Mrs. G. Olive Yerxa, and Dr. Charles W. Yerxa; to the Committee on Claims.
By Mr. WHITE:
H. R. 6626. A bill to record the lawful admission to the United States for permanent residence of Gottfried Schmidt-Ehrenberg; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1921. By Mr. O'HARA: Petition of K. H. Kraus of Mankato, Minn., and 27 other persons residing in the vicinity of Mankato, in regard to the present strike situation; to the Committee on the Judiciary.

1922. By Mr. LUTHER A. JOHNSON: Petition of A. R. Nelms, president, and Mr. C. M. Herring, secretary, Retired Railway Mail Service Employees Association, Fort Worth, Tex., favoring Senate bill 896; to the Committee on Rules.

1923. By Mr. SMITH of Wisconsin: Petition of members of the Wisconsin Anti-Tuberculosis Association setting forth its position in regard to slum clearance and housing and further urging immediate passage of the Wagner-Ellender-Taft bill, S. 1592, by Wisconsin Representatives in the House of Representatives; to the Committee on Banking and Currency.

SENATE

FRIDAY, MAY 31, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor, Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, who wert the God of our fathers, we thank Thee for our beloved country, conceived in sacrifice, dedicated to Thy glory, and consecrated to the service of humanity.

We bless Thee for all the God-fearing men and women who struggled so valiantly to bequeath unto us our glorious heritage of freedom. We rejoice that their names are inscribed indelibly upon the pages of history and that their souls are enshrined forever in Thy divine love. Grant that the memory of their lives may hallow and inspire all our days.

We pray that we may carry on in their spirit as we meet the challenging demands of each new day. Help us to break down the barriers that hinder and impede the fulfillment of their hopes and aspirations. May the chasms that divide the members of the human family be bridged by the spirit of good will and understanding and become the highways of friendship and peace.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 29, 1946, was dispensed with, and the Journal was approved.

SENATOR FROM VIRGINIA

Mr. BYRD. Mr. President, I send to the desk the credentials of Hon. THOMAS G. BURCH, appointed a Senator of the United States from the Commonwealth of Virginia.

The PRESIDENT pro tempore. The credentials will be read.

The legislative clerk read as follows:

COMMONWEALTH OF VIRGINIA.

To All to Whom These Present Shall Come, Greeting:

Know ye that from special trust and confidence reposed in his fidelity, our Governor, by virtue of authority vested in him by law, hath appointed and hereby commissions THOMAS G. BURCH United States Senator from Virginia, to fill the vacancy caused by the death of the late Senator Carter Glass, to hold said office until a successor has been duly elected for the remaining portion of the unexpired term and has qualified as provided by law.

In testimony whereof our said Governor hath hereunto signed his name and affixed the lesser seal of the Commonwealth at Richmond this 31st day of May in the year of our Lord 1946 and in the one hundred and seventieth year of the Commonwealth.

By the Governor:

[SEAL] WILLIAM M. TUCK, *Governor.*

JESSE W. DILLON, *Secretary of the Commonwealth.*

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. BYRD. Mr. President, the Senator-designate is present in the Chamber and ready to take the oath.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath will be administered.

Mr. BURCH, escorted by Mr. BYRD, advanced to the desk, and the oath prescribed by law was administered to him by the President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 31, 1946, the President had approved and signed the act (S. 1305) to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; and

H. R. 6601. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, and it was signed by the President pro tempore.

COMMITTEE SERVICE

On motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That the Senator from Tennessee [Mr. MCKELLAR] be excused from further service as chairman of the Committee on Post Offices and Post Roads and that he be appointed chairman of the Committee on Appropriations, to fill the vacancy caused by the death of the late Senator from Virginia, Mr. Glass; and that the Senator from New Mexico [Mr. CHAVEZ] be appointed chairman of the Committee on Post Offices and Post Roads.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 194)

A communication from the President of th United States, transmitting supplemental estimates of appropriation for the Department of the Interior, amounting to $3,145,400, fiscal year 1947, together with drafts of proposed provisions in the form of amendments to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA (S. DOC. NO. 195)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the District of Columbia, amounting to $244,350, fiscal year 1946 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

INCREASE IN EFFICIENCY OF COAST AND GEODETIC SURVEY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the efficiency of the Coast and Geodetic Survey (with accompanying papers); to the Committee on Commerce.

LAWS PASSED BY ALASKA TERRITORIAL LEGISLATURE

A letter from the Secretary of the Territory of Alaska, transmitting, pursuant to law, a copy of the laws passed by the 1946 extraordinary session of the Alaska Territorial Legislature (with an accompanying document); to the Committee on Territories and Insular Affairs.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A letter from C. F. Remer, Ann Arbor, Mich., transmitting a statement by American

economists on the proposed financial agreement with Great Britain (with the accompanying statement); to the Committee on Banking and Currency.

A letter in the nature of a petition from a citizen of New York, N. Y., praying for the enactment of legislation to curb strikes; to the Committee on Education and Labor.

A letter in the nature of a petition from George R. Mitchell, of Lexington, Mass., relating to legislation to curb strikes; to the Committee on Education and Labor.

By Mr. VANDENBERG:

A petition signed by sundry members of the Wayne University Student Council, Detroit, Mich., relating to racial discrimination; to the Committee on the Judiciary.

By Mr. ELLENDER:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Military Affairs.

"House Concurrent Resolution 2

"Whereas the youthful and vigorous manhood and womanhood of our Nation, by their valiant services and sacrifices, have defeated and destroyed those evil forces who sought to deprive us of our American way of life, and,

"Whereas not the least among their sacrifices was the compelling necessity to abandon their peacetime jobs and businesses to take up arms against our common enemy, and

"Whereas upon their discharge from service and return to civilian pursuits they find our economy in a confused state brought about by an unprecedented scarcity of materials and equipment, and

"Whereas this unprecedented scarcity, following a period of prosperity for those engaged in business during the emergency, has created an inflationary market for the limited supply of materials and equipment, and

"Whereas the Government of the United States, as a result of the termination of the war, has a large quantity of surplus war materials and equipment suitable for civilian pursuits now being sold by the War Assets Corporation, and

"Whereas it is the fervent desire of the grateful people to assist and encourage the early readjustment of our returning veterans, a vital and virile part of our population, and

"Whereas under existing legislation no preference in price is given the veteran in the purchase of surplus war material: Therefore be it

"Resolved by the House of Representatives (the Senate concurring), That we urge the Louisiana delegation in the Congress of the United States to take immediate action to the end that any honorably discharged veteran of World War II may enjoy a price preference in the purchase of surplus war materials over all competition on a set formula, as follows:

"(a) On all purchases up to $5,000 the veteran to pay 50 percent of the marked price.

"(b) On all purchases over $5,000 and less than $10,000 the veteran to pay 75 percent of the marked price.

"(c) On all purchases over $10,000 and less than $20,000 the veteran to pay 90 percent.

"(d) On all purchases over $20,000 the veteran to pay full marked price; be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Speaker of the House of Representatives of the United States, the Presiding Officer of the Senate of the United States, to the Representatives and Senators from Louisiana in the Congress, and to national patriotic organizations."

PETITION BY BOARD OF DIRECTORS OF TOPEKA (KANS.) CHAMBER OF COMMERCE RELATING TO LABOR AND INDUSTRY

Mr. CAPPER. I have received from Robert F. Geoffroy, manager of the Topeka Chamber of Commerce, a petition adopted by the board of directors of that organization setting forth their program relative to labor and industry. I ask unanimous consent to present the petition for appropriate reference and printing in the RECORD.

There being no objection, the petition was received, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

BOARD PETITIONS FOR MORE EFFECTIVE SOLVING OF LABOR PROBLEMS

Taking cognizance of the need for a legislative program which will enable labor and industry to solve their problems in such a way as to minimize the danger to public health and welfare, the board of directors at their meeting this week sent to the Kansas Senators and to our Representative in Congress a three-point petition. Topics covered by the petition were:

1. Encourage the enactment of legislation which would prevent the payment of royalties to unions for uses over which the unions have sole control.

2. Amend the National Labor Relations Act in such a way as to make supervisory officials and foremen exempted from the definition of "employees."

3. Enact legislation making it an unfair labor practice for unions to refrain from bargaining on collective-bargaining contracts; in other words, to place upon unions the same responsibility that management has to bargain in good faith.

ECONOMY IN THE GOVERNMENT PROGRAM

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution I have received from the Beloit City Teachers Association, of Beloit, Kans., urging that economy in the program of the Government be encouraged and that every effort be made to avoid further inflation during the postwar years.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Resolution commending the Federal Government for its efforts to maintain a stabilized economy and urging further action to avoid inflation during postwar years

Whereas living costs have been partially held in check during the war years; and

Whereas many powerful forces are now exerting extreme pressure on the Government to remove restrictions on inflation; and

Whereas many millions of workers can never hope to secure salary increases fast enough to catch up in a race with inflation: Therefore be it

Resolved by the Beloit City Teachers Association, of Beloit, Kans., That suitable agencies and individuals of the United States Government be highly commended for their heroic efforts to keep the cost of living under control while the war was being fought; and be it further

Resolved, That suitable agencies and individuals of the United States Government be urged to stabilize our economy and exert every effort to avoid further inflation during the postwar years.

(Miss) CLARA BOLLMAN,
Past President, Beloit City Teachers Association, Beloit, Kans.

Action taken May 23, 1946.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LA FOLLETTE, from the Special Committee on the Organization of Congress:

S. 2177. A bill to provide for increased efficiency in the legislative branch of the Government; with amendments (Rept. No. 1400).

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1988. A bill to authorize the Secretary of the Interior to quit claim to the heirs of Jesus Gonzales all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, New Mexico; without amendment (Rept. No. 1401); and

S. 2126. A bill to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior; with amendments (Rept. No. 1402).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

S. J. Res. 160. Joint resolution to amend the Act of March 22, 1946, for the purpose of correcting the description of the small parcel of land authorized to be conveyed to the State of Wyoming by such act; without amendment (Rept. No. 1403).

By Mr. McCARRAN, from the Committee on Public Lands and Surveys:

H. R. 4113. A bill to authorize and direct the Secretary of the Interior to issue a patent for certain land to Mrs. Estelle M. Wilbourn; without amendment (Rept. No. 1404).

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission; without amendment (Rept. No. 1405).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitting to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES — CIVILIAN EMPLOYMENT OF EXECUTIVE BRANCH

Mr. BYRD. Mr. President, from the Joint Committee on Reduction of Nonessential Federal Expenditures, I ask unanimous consent to submit a report on civilian employment in the executive branch of the Government by department and agency for the months of March and April 1946, showing increases and decreases in the number of paid employees, and I request that it be printed in the RECORD.

According to Federal personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures during the month of April, reductions in personnel in the War and Navy Departments continue to be offset by increases in other agencies. This trend is serious and I shall continue to call the public's attention to it until I am satisfied that an effort is being made by responsible officials to stem the tide.

Within the United States during the month there was an increase of 15,622 employees, increasing from the March 1946 figure of 2,382,121 to the April figure of 2,397,743. Thus despite an overseas reduction of 15,160 employees, largely of the industrial group, over-all employment both inside and outside the United States increased 462 from the March

total of 2,873,509 to the April total of 2,873,971. If the War and the Navy Departments decreases were excluded there would be a net increase during the month of 39,695.

There were 30 agencies which increased employment during the month of April, as opposed to 23 agencies which showed decreases. Largest increases occurred in the Veterans' Administration, which increased 18,413; Post Office Department, which increased 11,184; Interior Department, which increased 1,853; Agriculture Department, which increased 1,767; Treasury Department, which increased 1,449; Maritime Commission, which increased 930; Office of Price Administration, which increased 885; and Commerce Department, which increased 829. In addition, the War Assets Administration, included for the first time as a new postwar agency, showed a total of 30,391 employees, most of whom were transferred from the Reconstruction Finance Corporation.

Last week the President signed the 1946 Federal Pay Act, which, in addition to pay-raise provisions, prescribed a Federal personnel ceiling to be effected through gradual reductions on a quarterly basis. Reduction of more than a quarter of a million in classified Federal employment during the fiscal year beginning July 1, 1946, is mandatory under provisions of this act. The personnel ceiling provisions of the act are in accordance with recommendations submitted to the President and the Congress by the Joint Committee on Nonessential Federal Expenditures in its recent report, Postwar Federal Personnel.

For some time it has been apparent that the executive establishments of the Government, with a few notable exceptions, will not voluntarily reduce employment to a level consistent with sound economic policy. From all sides one hears rumors and complaints of waste of the taxpayers' money through the employment of excessive personnel who pass the day in idleness. Congress by this new ceiling provision tacitly recognizes the fact that effective reduction in personnel would not be attempted by the agencies themselves until it became compulsory. Cuts in specific appropriations have proved ineffective with respect to curtailment of over-all Federal personnel. However, if the provisions of this law are administered in conformance with the intent of Congress, large-scale reductions in excess personnel should soon be apparent. In order to come within the ceiling prescribed for October 1, 1946, the first quarter for which ceilings are prescribed, the old-line agencies, exclusive of Veterans' Administration, should immediately initiate personnel retrenchment.

The Congress in passing this personnel ceiling law has taken a decisive step toward cutting Federal expenditures. The administration of this law will be closely scrutinized by the Joint Economy Committee, which has advocated the release of nonessential Federal employees since April 1943.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN THE EXECUTIVE BRANCH, APRIL 1946, AND A COMPARISON WITH MARCH 1946

(All figures compiled from reports signed by the heads of Federal establishments or their authorized representatives)

According to monthly personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures, Federal personnel within the continental United States during April increased 15,622 from a total of 2,382,121 in March 1946 to 2,397,743 in April. Excluding the War and Navy Departments, personnel increased 39,601 from the March total of 1,168,729 to the April total of 1,208,330. The War Department inside the United States decreased 5,726 from the March figure of 721,697 to the April figure of 715,971. The Navy Department within the United States decreased 18,253 from the March figure of 491,695 to the April figure of 473,442. (See table I.)

Outside the continental United States Federal personnel decreased 15,160 from the March 1946 total of 491,388 to the April total of 476,228. Excluding the War Department, civilian personnel overseas would have increased 700. Nearly all personnel abroad are industrial employees. (See table II.)

The consolidated table of inside and outside personnel showed a total increase of 462 from the March total of 2,873,509 to the April total of 2,873,971. Excluding the War and Navy Departments, there was an increase of 39,695 employees in the executive branch of the Federal Government from the March figure of 1,222,284 to the April figure of 1,261,979. (See table III.)

Industrial employment during the month of April decreased 25,935 from the March total of 1,116,164 to the April total of 1,090,229. The War Department decreased 18,632 employees outside continental United States and increased 2,861 inside the United States in the industrial group. This gives a total decrease in the War Department industrial employment of 15,771. The Navy Department showed a decrease of 9,925 industrial employees within the continental United States. The term "industrial employees" as used by the committee refers to unskilled, semiskilled, skilled, and supervisory employees paid by the Federal Government who are working on construction projects such as airfields and roads, and in munition plants, shipyards, and arsenals. It does not include regular maintenance and custodial employees. (See table IV.)

TABLE I.—*Federal personnel inside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive Office of the President:				
Bureau of the Budget	775	779	4	
Executive departments (except War and Navy Departments):				
Agriculture Department	84,584	86,295	1,711	
Commerce Department	32,989	33,512	523	
Interior Department	41,868	43,702	1,834	
Justice Department	24,694	24,530		164
Labor Department	34,336	34,916	580	
Post Office Department	469,621	480,803	11,182	
State Department	8,147	8,268	121	
Treasury Department	107,211	108,642	1,431	
Emergency war agencies:				
Committee on Fair Employment Practices	33	26		7
Office of Alien Property Custodian	631	661	30	
Office of Defense Transportation	131	120		11
Office of Inter-American Affairs	396	381		15
Office of Price Administration	31,969	32,844	875	
Office of Scientific Research and Development	749	715		34
Office of War Mobilization and Reconversion	670	192		478
Petroleum Administration for War	66	54		12
Selective Service System	15,328	14,890		438
War Shipping Administration	3,305	3,243		62
Postwar agencies:				
Civilian Production Administration [1]	2,516	2,844	328	
National Wage Stabilization Board [1]	821	944	123	
Office of Economic Stabilization [1]	25	32	7	
War Assets Administration [2]	0	30,391	30,391	
Independent agencies:				
American Battle Monuments Commission	1	2	1	
American Commission, Protection of Monuments in Europe [3]	0	6	6	
Civil Aeronautics Board	401	402	1	
Civil Service Commission	4,330	4,321		9
Employees' Compensation Commission	525	521		4
Export-Import Bank of Washington	96	96		
Federal Communications Commission	1,264	1,290	26	
Federal Deposit Insurance Corporation	1,208	1,198		10
Independent agencies—Continued				
Federal Power Commission	727	727		
Federal Security Agency	31,320	31,338	18	
Federal Trade Commission	492	504	12	
Federal Works Agency	22,205	22,042		163
General Accounting Office	14,674	14,377		297
Government Printing Office	7,307	7,301		6
Interstate Commerce Commission	2,188	2,217	29	
Maritime Commission	8,597	9,527	930	
National Advisory Committee for Aeronautics	5,383	5,467	84	
National Archives	353	359	6	
National Capital Housing Authority	265	274	9	
National Capital Park and Planning Commission	15	15		
National Gallery of Art	279	288	9	
National Housing Agency	14,929	15,461	532	
National Labor Relations Board	910	973	63	
National Mediation Board	105	100		5
Panama Canal	258	280	22	
Railroad Retirement Board	1,964	1,931		33
Reconstruction Finance Corporation	38,881	11,632		27,249
Securities and Exchange Commission	1,209	1,196		13
Smithsonian Institution	423	427	4	
Tariff Commission	248	245		3
Tax Court of the United States	121	120		1
Tennessee Valley Authority	11,670	11,052		618
Veterans' Administration	135,516	153,857	18,341	
Total, excluding War and Navy Departments	1,168,729	1,208,330	69,233	29,632
Net increase, excluding War and Navy Departments			39,601	
Navy Department	491,695	473,442		18,253
War Department	721,697	715,971		5,726
Total, including War and Navy Departments	2,382,121	2,397,743	69,233	53,611
Net increase, including War and Navy Departments			15,622	

[1] Previously included under "Emergency war agencies."
[2] Created Mar. 25, 1946. Includes employees transferred from Reconstruction Finance Corporation.
[3] Included for the first time in committee report.

TABLE II.—*Federal personnel outside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive departments (except War and Navy Departments):				
Agriculture Department	1,281	1,337	56	
Commerce Department	1,937	2,243	306	
Interior Department	4,301	4,320	19	
Justice Department	305	312	7	
Labor Department	150	156	6	
Post Office Department	1,441	1,443	2	
State Department	11,654	11,345		309
Treasury Department	643	661	18	
Emergency war agencies:				
Office of Alien Property Custodian	40	45	5	
Office of Inter-American Affairs	227	230	3	
Office of Price Administration	408	418	10	
Selective Service System	322	286		36
War Shipping Administration	722	646		76
Postwar agencies:				
Civilian Production Administration	[1] 5	7	2	
National Wage Stabilization Board	1	0		1
Independent agencies:				
American Battle Monuments Commission	37	37		
Civil Aeronautics Board	9	10	1	
Civil Service Commission	5	5		
Employees' Compensation Commission	41	45	4	
Export-Import Bank of Washington	0	2	2	
Independent agencies—Continued				
Federal Communications Commission	54	49		5
Federal Deposit Insurance Corporation	2	2		
Federal Security Agency	486	476		10
Federal Works Agency	291	298	7	
Maritime Commission	18	18		
National Housing Agency	31	32	1	
National Labor Relations Board	4	4		
Panama Canal	28,399	28,350		49
Reconstruction Finance Corporation	235	294	59	
Smithsonian Institution	7	7		
Veterans' Administration	499	571	72	
Total, excluding War and Navy Departments	53,555	53,649	580	486
Net increase, excluding War and Navy Departments			94	
Navy Department	69,806	70,412	606	
War Department	[1] 368,027	[2] 352,167		15,860
Total, including War and Navy Departments	491,388	476,228	1,186	16,346
Net decrease, including War and Navy Departments			15,160	

[1] Figures as of Feb. 28, 1946.
[2] Figures as of Mar. 31, 1946.

TABLE III.—*Consolidated table of Federal personnel inside and outside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive Office of the President:				
Bureau of the Budget	775	779	4	
Executive departments (except War and Navy Departments):				
Agriculture Department	85,865	87,632	1,767	
Commerce Department	34,926	35,755	829	
Interior Department	46,169	48,022	1,853	
Justice Department	24,999	24,842		157
Labor Department	34,486	35,072	586	
Post Office Department	471,062	482,246	11,184	
State Department	19,801	19,613		188
Treasury Department	107,854	109,303	1,449	
Emergency war agencies:				
Committee on Fair Employment Practices	33	26		7
Office of Alien Property Custodian	671	706	35	
Office of Defense Transportation	131	120		11
Office of Inter-American Affairs	623	611		12
Office of Price Administration	32,377	33,262	885	
Office of Scientific Research and Development	749	715		34
Office of War Mobilization and Reconversion	670	192		478
Petroleum Administration for War	66	54		12
Selective Service System	15,650	15,176		474
War Shipping Administration	4,027	3,889		138
Postwar agencies:				
Civilian Production Administration [1]	2,521	2,851	330	
National Wage Stabilization Board [1]	822	944	122	
Office of Economic Stabilization [1]	25	32	7	
War Assets Administration [2]	0	30,391	30,391	
Independent agencies:				
American Battle Monuments Commission	38	39	1	
American Commission, Protection of Monuments in Europe [3]	0	6	6	
Civil Aeronautics Board	410	412	2	
Civil Service Commission	4,335	4,326		9
Employees Compensation Commission	566	566		
Export-Import Bank of Washington	96	98	2	
Federal Communications Commission	1,318	1,339	21	
Federal Deposit Insurance Corporation	1,210	1,200		10
Federal Power Commission	727	727		
Federal Security Agency	31,806	31,814	8	
Independent agencies—Continued				
Federal Trade Commission	492	504	12	
Federal Works Agency	22,496	22,340		156
General Accounting Office	14,674	14,377		297
Government Printing Office	7,307	7,301		6
Interstate Commerce Commission	2,188	2,217	29	
Maritime Commission	8,615	9,545	930	
National Advisory Committee for Aeronautics	5,383	5,467	84	
National Archives	353	359	6	
National Capital Housing Authority	265	274	9	
National Capital Park and Planning Commission	15	15		
National Gallery of Art	279	288	9	
National Housing Agency	14,960	15,493	533	
National Labor Relations Board	914	977	63	
National Mediation Board	105	100		5
Panama Canal	28,657	28,630		27
Railroad Retirement Board	1,964	1,931		33
Reconstruction Finance Corporation	39,116	11,926		27,190
Securities and Exchange Commission	1,209	1,196		13
Smithsonian Institution	430	434	4	
Tariff Commission	248	245		3
Tax Court of the United States	121	120		1
Tennessee Valley Authority	11,670	11,052		618
Veterans Administration	136,015	154,428	18,413	
Total, excluding War and Navy Departments	1,222,284	1,261,979	69,574	29,879
Net increase, excluding War and Navy Departments			39,695	
Navy Department, inside and outside United States	561,501	543,854		17,647
War Department, inside continental United States	721,697	715,971		5,726
War Department, outside continental United States	[4] 368,027	[5] 352,167		15,860
Total, including War and Navy Departments	2,873,509	2,873,971	69,574	69,112
Net increase, including War and Navy Departments			462	

[1] Previously included under "Emergency war agencies."
[2] Created Mar. 25, 1946. Includes employees transferred from Reconstruction Finance Corporation.
[3] Included for the first time in committee report.
[4] Figures as of Feb. 28, 1946.
[5] Figures as of Mar. 31, 1946.

TABLE IV.—*Industrial employees[1] of Federal Government, inside and outside the continental United States, employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive departments (except War and Navy Departments):				
Commerce Department	940	1,107	167	
Interior Department	4,405	4,747	342	
State Department	218	210		8
Treasury Department	6,421	6,283		138
Independent agencies:				
National Housing Agency	752	743		9
Panama Canal	2,929	2,899		30
Tennessee Valley Authority	5,122	4,559		563
Total, excluding War and Navy Departments	20,787	20,548	509	748
Net decrease, excluding War and Navy Departments			239	
Navy Department, inside and outside United States	402,563	392,638		9,925
War Department, inside continental United States	336,268	339,129	2,861	
War Department, outside continental United States	[2]356,546	[3]337,914		18,632
Total, including War and Navy Departments	1,116,164	1,090,229	3,370	29,305
Net decrease, including War and Navy Departments			25,935	

[1] Industrial employees include unskilled, semiskilled, skilled, and supervisory employees on construction projects. Maintenance and custodial workers are not included.
[2] Figures as of Feb. 28, 1946.
[3] Figures as of Mar. 31, 1946.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

S. 2270. A bill to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children; to the Committee on Indian Affairs.

S. 2271. A bill relating to the second seaman's war risk policy of Victor Gmeiner; to the Committee on Commerce.

By Mr. BUSHFIELD:

S. 2272. A bill providing for the exclusion of certain Indian reservations from the application of the act of June 18, 1934, upon majority vote of the inhabitants; to the Committee on Indian Affairs.

By Mr. MYERS:

S. 2273. A bill for the relief of R. C. Jackson; and

S. 2274. A bill for the relief of Frederick J. Roggow; to the Committee on Claims.

By Mr. BYRD:

S. 2275. A bill for the relief of Kenneth Dove and T. T. Grimsley; to the Committee on Claims.

By Mr. HILL:

S. 2276. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Commerce.

By Mr. HILL (for himself and Mr. BANKHEAD):

S. 2277. A bill for the relief of the trustees of the Charles A. Boswell Trust Fund; to the Committee on Claims.

By Mr. McCARRAN:

S. 2278. A bill authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims; to the Committee on Indian Affairs.

INVESTIGATION OF PEARL HARBOR ATTACK—EXTENSION OF POWERS AND FUNCTIONS, AND TIME FOR FILING REPORT

Mr. BARKLEY. Mr. President, I ask unanimous consent to submit a concurrent resolution, and I request its immediate consideration.

There being no objection, the concurrent resolution (S. Con. Res. 67) was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring) That the time for filing the report of the Joint Committee To Investigate the Pearl Harbor attack be, and it is hereby, extended to July 10, 1946, and that the power and functions of the said committee be, and the same are hereby, also extended to said date.

NAVY DEPARTMENT APPROPRIATIONS—AMENDMENT

Mr. GREEN submitted an amendment intended to be proposed by him to the bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 13, after line 20, insert the following:

"For placing the equipment at the Naval Torpedo Station, Newport, R. I., in condition for operation, $350,000."

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—AMENDMENT

Mr. BUSHFIELD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, which was ordered to lie on the table and to be printed.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—AMENDMENT

Mr. REVERCOMB (for himself, Mr. WILSON, and Mr. WHERRY) submitted an amendment in the nature of a substitute intended to be proposed by them, jointly, to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

On motion of Mr. SHIPSTEAD, and by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (S. 2213) to extend to January 1, 1948, the time within which the States may construct or acquire toll bridges and make them free bridges, securing reimbursement from Federal-aid road funds for a part of the cost of constructing or acquiring such bridges, and it was referred to the Committee on Post Offices and Post Roads.

OFFICER-ENLISTED MAN RELATIONSHIPS (S. DOC. NO. 196)

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have printed as a Senate document the report of the Secretary of War's Board on Officer-Enlisted Man Relationships to Hon. Robert P. Patterson, Secretary of War, dated May 27, 1946.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; to the Committee on Commerce.

H. R. 6601. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; to the Committee on Appropriations.

MEMORIAL DAY ADDRESS BY SENATOR KILGORE

[Mr. MYERS asked and obtained leave to have printed in the RECORD a Memorial Day address delivered by Senator KILGORE on May 30, 1946, which appears in the Appendix.]

COMPULSORY ARBITRATION—THE ANSWER TO INDUSTRIAL CHAOS

Mr. WILEY. Mr. President, last Saturday the Senate rejected my amendment to the Case bill, which would have established machinery for compulsory arbitration in utilities and other Nationwide industries affecting the public health, welfare, and safety.

A number of Senators have told me that the vote against my amendment was based not so much on the rejection of the principle of compulsory arbitration, but rather on the hope that if such an amendment were omitted, it would

be more likely that the President would not veto the Case bill. How sound that hope is remains to be seen.

But I say, Mr. President, that the principle of compulsory arbitration will not down, because it is sound, because men are increasingly recognizing that it provides an answer in law and in peaceful processes to the chaos which we have experienced, and which we may experience again.

Compared to the President's proposal for induction into the Army of striking workers in key industries, which was rejected on Wednesday by the Senate and which I voted against—compared to this drastic proposal of the President, my compulsory arbitration amendment is obviously mild but it would be effective.

I call the attention of my brother Senators to the fact that last year a Gallup poll pointed out that 71 percent of the rank and file members of unions were reported in favor of compulsory arbitration. It is unfortunate, however, that all union members and the public as a whole do not have a full understanding of the mandatory arbitration principle. I shall continue to strive to make public adequate information on this subject.

Now, Mr. President, I want to cite an excerpt from the May 27, 1946, issue of Business Action, a weekly report from the Chamber of Commerce of the United States. This excerpt relates to a talk made by President William K. Jackson of the National Chamber before the New Jersey State Chamber of Commerce. It is as follows:

Conceding that there are valid objections to compulsory arbitration, Mr. Jackson asked for a careful weighing-in-the-balance of the manifest disadvantages of extensive Government participation in labor disputes that compulsory arbitration would bring, and of the present situation where Government "actually fixes the terms of work contracts, often upon the terms demanded by workers." He went on:

"Should we try compulsory arbitration? I do not have the answer for you, but I think that businessmen and the public in general should review their consideration of this suggestion, along with others, in the light of recent events."

I believe that this excerpt shows that management which has long opposed compulsory arbitration because it involves Government interference, is coming around to the way of thinking that whatever its disadvantages, it is obviously preferable to virtually all the other proposals for industrial peace.

I ask unanimous consent that there be reprinted in the RECORD at this point the text of an editorial in the United States News of May 31, 1946, by David Lawrence, entitled "Compulsory Arbitration—the Only Answer."

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

COMPULSORY ARBITRATION—THE ONLY ANSWER

(By David Lawrence)

The right of an individual to quit work is inviolate but the right of one or more persons to influence a whole group to quit is not unlimited.

Big unionism is just as much subject to regulation in the public interest as big business.

The right of the people to be secure in their employment and in the distribution of the necessities of life transcends the right of any group to obstruct such employment or such distribution.

These are basic truths inherent in the right of the people to life, liberty and the pursuit of happiness.

To deprive the people of these rights by economic force is to assert a right of rebellion.

Rebellion cannot be tolerated by the majority.

A railroad strike is rebellion. Eighteen brotherhoods promptly accepted the President's proposals but two unions employed in the same transportation business did not. In a sense a vote of 18 to 2 favored the settlement, but the minority had it in its power to rebel and tie up the Nation's economic system.

This power has come about through the grant of monopoly privileges to unions. As long as those privileges were not abused, they were called rights and were respected by the people as perhaps a desirable way to secure for labor certain needful changes in wages and working conditions.

But the right to concerted action is forfeited when it becomes an effort to damage the public as a whole.

The problem before the country is not at all complicated. It simply requires courageous leadership, as is always the case when a nation faces rebellion.

LEADERSHIP LACKING

The country looks first to the White House for such leadership. It hopes to find there not a Buchanan who wobbles but a Lincoln who sees clearly that Government must be for all the people and that there must be respect for the basic principles of government.

President Truman has been a wishy-washy Buchanan, bewildered by what has been happening all around him. He was forewarned. He knew for months that big unions could tie up the Nation's business and threaten its safety by strangling its system of food and fuel distribution. But he wavered.

Mr. Truman should have gone to Congress long ago and addressed a joint session. He should have asked for a law requiring arbitration of labor disputes when they involve the maintenance of public health and safety. It would not have been an unprecedented action in a democracy. Britain in 1926 had to pass a law differentiating between legal and illegal strikes. That happened when England found herself in the grip of a general strike. The strike resulted in the defeat of the British Labor Party, which did not recover from that blow for nearly 20 years.

CONGRESS TO BLAME, TOO

Unhappily, in America we do not have a similar system of responsible government. When we get an incompetent man in the White House we must wait for many months to get someone else. Under a parliamentary system we could change overnight and elect someone who is immediately responsive to the public will. We could also oust a Congress and replace it with one that would meet the people's wishes.

Congress shares the blame for inaction. The recommendation of a President is not necessary to get a law passed. Both Houses can act of their own initiative. Congress is a coordinate and not a subordinate branch of the Federal Government.

But here again the threat of a labor bloc at the polls has brought about a filibuster or delaying tactics by a minority in the Senate who have for 10 years blocked legislation to regulate labor unions and eliminate abuses in the collective-bargaining process.

The House of Representatives has acted many times but each of the measures it has passed in the last decade either has been pigeonholed in committee or talked to death on the floor of the Senate.

Last week there were signs of a change. But it is a far cry from the passing of amendments to a House bill and getting law enacted. The maneuvers and plots of a minority can tangle up the bill in conference. The plan last week was for the Senate to pass the kind of bill that could be accepted by the House of Representatives without the necessity of a conference so that the bill would go to the White House promptly.

But what sort of legislation? It is important not to penalize the many law-abiding citizens who have banded themselves into labor unions which have not struck and which have adopted the path of reason and compromise. The right to bargain collectively should not be weakened. There should on the other hand, be equal responsibility imposed on unions and management to bargain in good faith and to comply with contracts and agreements.

This, however, is not enough. A failure of collective bargaining leads to strikes or lockouts as a means of enforcing demands. Neither strikes nor lock-outs which damage or threaten to damage the public interest should be lawful. Public utilities and governmental agencies, Federal, State, and city, cannot be permitted to stop functioning. Certain industries essential to public health and safety must be kept in operation.

To settle labor disputes in these essential businesses, a system of compulory arbitration must be established. Congress by law authorizes the Interstate Commerce Commission to fix freight and passenger rates, and thus the income of the railroads is regulated by the Government. Why shouldn't the outgo of the railroads be similarly regulated when unions and management cannot agree?

STRIKES MUST BE LIMITED

The existing Railway Labor Act, which has been on the statute books for 20 years, provides an elaborate machinery for settling disputes in the transportation business. The law has worked in the sense that its restraints upon immediate work stoppages have been effective and the railroad unions and carriers have gone through the process of mediation and acceptance of fact-finding board recommendations. While there has been a limitation as to the time when a strike could be called, the right to strike was not prohibited. Hence the fact that labor and management have gotten along and neither has gone the limit heretofore in stopping operations has been taken to mean that the law was a success.

Today, however, even the machinery of the Railway Labor Act has failed to prevent a strike and Congress must go a step further. It must provide that an impartial tribunal shall be set up with a system of umpires, and that both sides must accept the award of such an arbitration body or subject themselves to the penalties of injunction and governmental power.

The principle of compulsory arbitration is, of course, a limitation on the freedom of both parties, but such limitation is essential to protect the public interest. There are no rights which supersede those of the public as a whole, and the Congress must act as the representative agent of the American people, and not any small segment of it.

PROTECT THE PUBLIC INTEREST

Coal, for instance, is an essential business. Without it, the lights go out and electric power is stopped. The miners' union is a monopoly. The Congress should never allow closed shops to exist. They are as much a restraint on the freedom of individuals as the concerted action of corporations in monopolizing a market of commodities.

The Wagner Act was passed in order to cut down the number of strikes. It has not done so. It has protected labor's rights, but labor unions of the larger type in the automobile, steel, coal, and railroad industries now have such big memberships and such political strength that they behave as if they constituted a whole system of government above the Federal power. They rely on their voting strength at the polls to command Congress and the President. Actually they constitute a minority of the voters, but the rest of the voters—the victims—have never been aroused sufficiently to put this minority in its place.

Repeal of the Wagner Act was, a few months ago, thought impossible. Today the movement to amend it has grown to the point where substantial changes are being proposed in Congress. When any organization of labor or management acquires power that is greater than that of government itself and can actually paralyze the Nation's economic system at will, it is time for the representatives of the people in the National Legislature to protect the public interest. Action by Congress has long been overdue.

Mr. WILEY. Mr. President, on May 29 I set forth in this body four principles that I thought were imperative for the guidance of Congress now and in the future. Briefly they were:

First, the imperative need of maintaining a government of checks and balances so that no group or individual may ruthlessly exercise power to the damage of the general welfare; or, to put it in another way, we are agreed that no individual or group has a right to strike against the Government.

Second, I think we are all agreed that there is a need for enactment into law of a pro-American labor policy having in mind the rights of labor, the rights of management, and those much-neglected rights—the rights of the public.

Mr. President, at this point I ask unanimous consent that a short summary of the provisions of the Case bill as sent to the White House be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PROVISIONS OF CASE BILL AS SENT TO WHITE HOUSE

Major provisions of the Case strike-control bill as Congress sent it to the White House yesterday:

1. Creation of a Federal mediation board with authority to step into major labor disputes and forbid strikes or lock-outs for 60 days while it seeks to solve them. The board would include representatives of labor, management, and the public.

2. Provisions for civil suits against either labor or management for breach of contract.

3. Loss of bargaining rights for anyone engaged in violence while picketing or striking in violation of the proposed law.

4. A ban on secondary boycotts in strikes. Violators would face loss of bargaining and reemployment rights.

5. A prohibition against unionization of supervisory workers for collective-bargaining purposes unless such employees actually perform manual productive labor.

6. A ban against employer contribution to worker-welfare funds administered exclusively by unions.

7. Establishment of fact-finding commissions to determine facts in major labor disputes involving public utilities.

8. Severe penalties for workers interfering with movement of goods in interstate commerce. This provision embodies terms of the House-passed antiracketeering bill.

Mr. WILEY. I read further from my remarks of Wednesday:

Third, the enactment into law of provisions that will protect men in labor unions against the autocracy and Fascist tactics of the labor bosses.

Mr. President, the third point we do not have to argue. It is not only true in relation to labor, it is true in relation to any group when men get into possession of autocratic power. But it has become so evident throughout the Nation in relation to certain labor groups that labor itself is entitled to protection from its autocratic bosses.

On Wednesday last I placed in the RECORD an article from the Saturday Evening Post showing just what was meant by that.

I read further:

Fourth, there is need to place on the statute books, in this atomic age, legislation which will make it possible for government to take appropriate action in any emergency. In other words, the age calls for alertness, and what is more, alertness calls for emergency powers being brought into being during any emergency. In other words the Republic must be adequate. We must demonstrate prescience. Without foresight of this character now, we will be remiss to the Republic.

EXTENSION OF OPA

Mr. MOORE. Mr. President, I think we may very well feel proud of the vote that has been taken on that provision of the President's recommendation for induction of a great variety of the citizens into the armed forces that they may be forced into labor battalions. It must be a great uplift to the people of the country when they realize the determination of Congress to check the tyranny that has prevailed in this country for so many years.

We are reminded at this time that we will soon be taking up for consideration the extension of the so-called OPA, which itself is the very acme of tyranny, and has contributed more than anything else to a lack of confidence of the American people in their Government, which is a tragic state of mind.

I now read into the RECORD a letter from a small businessman in my State which speaks for itself. I am reading it into the RECORD rather than asking permission to have it printed for the reason that I do not want any little snoopers of the OPA to have an opportunity to identify this man that they may further distract him by reprisals, which they are sure to employ. This letter, as I have said, is from a small businessman in a small town in my State, a man engaged in making contribution to the feeding of the people who need to be fed in such small towns and elsewhere. The letter reads:

I am engaged in the cafe business in ——— and employ six or seven workers. This, you can see, is a small business. The OPA has fixed the prices in my cafe and I have abided by their regulations which have about wrecked my business. Cost of food has advanced rapidly and I have been unable to get any relief at all from the OPA authorities to meet these increasing costs.

I have been in business a good many years and have always paid my debts. Several weeks ago a competitor opened a business near my place and the OPA permits him to charge approximately 50 percent more for steaks, pies, and other articles of food than they will permit me to charge. The OPA authorities tell me that there is no way they can correct this injustice. Why doesn't Congress make it possible to correct this injustice?

Mr. President, it was often said on this floor during the recent debate that we must limit the discussion of important matters, that we may, within the time allowed, take up and extend the so-called OPA, which I deem to be the most potent instrument for the destruction of the people's liberties on the statute books; more potent than anything that is employed by the existing bureaucracy that so curses and distracts the people. The people of this country, in my opinion, would breathe a sigh of relief if the Senate would impose the death sentence upon this foul, disturbing, and dishonest institution, as definitely and unequivocally as was imposed upon section 7 of the President's ill-considered and indefensible recommendations for so-called temporary measures restrictive of the freedoms and liberties of certain classes of people in this country. When the freedoms and liberties of a class may be invaded, it is only a step to where the freedoms and liberties of all the people may be invaded.

I predicted that when the President read his message to Congress, subsequent to his speech to the people of the country he would also recommend, as a part of the restrictive proposal, the extension of the OPA. That was to be expected, because it is a part of the general plan to regiment the people of this country and to invade their rights.

SETTLEMENT OF COAL STRIKE

Mr. BYRD. Mr. President, as the full effects of the agreement made between John Lewis and the Government become understood, it is apparent that Lewis has won his greatest victory.

This is the fourth time the United States Government has surrendered to him. Every 2 years he stops all bituminous coal production and, at the point of a gun, threatens a complete paralysis of our country unless his demands are met.

The only demand he did not win in the agreement just made was his insistence that the welfare fund derived from the royalty tax on coal should go into the union fund under his exclusive control. The so-called Byrd amendment to the Case bill required that any welfare fund should be jointly administered, and prohibited such a fund going into the union treasury.

When we recall the policy of appeasement of union bosses practiced by our Government during the past 15 years we see clearly the cause of the great power over the lives and properties of all Americans now exercised by a few union leaders, of whom John Lewis is the most arrogant and dangerous.

Mr. President, no democracy can survive when any one of half a dozen union leaders can destroy the business economy of our country. This menacing situation will continue until someone in the highest authority, backed by Congress, meets this challenge and wins a victory for the American people.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks a news article containing a statement made by Mr. John D. Small, Administrator of Civilian Production, as to the effect of the coal strike.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAL STRIKE BLOW AT OUTPUT GOAL—SMALL SAYS COUNTRY'S ECONOMY WILL BEAR SCARS OF STOPPAGE FOR MONTHS TO COME

(By Charles E. Egan)

WASHINGTON, May 30.—The bituminous-coal strike cost the country an estimated $2,000,000,000 in lost production and the American economy will bear scars of the stoppage for "a great many months to come," John D. Small, Administrator of Civilian Production, stated today.

The output of durable goods, including automobiles, was set back at least 3 months by the coal and less spectacular walk-outs, Mr. Small asserted.

Industries which suffered most from these strikes include steel, railroads, utilities, chemicals, nonferrous metals, automobiles, tires, farm machinery, and building materials, he said, adding:

"Important programs such as the food program and the veterans'-emergency-housing program received serious set-backs. Production of critical building materials such as brick, tile, gypsum board, heating equipment, and items made from iron castings, was checked by the lack of fuel."

SAYS CROPS WILL BE LOST

"Perishable crops will be lost due to a shortage of both glass and tin containers.

"The loss of zinc and lead production because of the power shortage which resulted from the coal strike will affect a wide range of items from galvanized sheets and brass fittings to high-test gasoline."

Mr. Small emphasized that the resumption of work in a basic industry did not produce an immediate increase in the flow of finished goods to consumers, because of the time lag while pipe lines of raw materials and work-in-process are being refilled.

He said that in the case of copper it would take from 2 to 6 months after the settlement of the present strikes in mines and refineries to reestablish the flow of goods dependent on copper and copper products.

His report on April production showed that the output of consumer goods was reaching record levels last month before the full impact of the coal strike was felt throughout industry.

The Federal Reserve Board's adjusted index of industrial production showed an over-all decline to 164 in April from the postwar high in 168 in March.

The report showed that losses in April's output because of the coal stoppage and the consequent cut in iron and steel operations were largely offset by increased production of automobiles and other durable goods following settlement of the General Motors and General Electric strikes and expansion in the output of petroleum.

New high levels of monthly production were reported in a number of industries, with tires for passenger cars and motorcycles totaling 5,600,000; for trucks and busses, 1,400,000; men's suits, about 2,000,000; vacuum cleaners, 175,000; electric irons, 382,000; and washing machines, 177,000.

Postwar peaks were reached in automobiles with an output of 150,000; trucks, 81,000; women's hosiery, 54,000,000 pairs; sewing machines, 28,000; domestic mechanical refrigerators, 143,000; electric ranges, 23,000; gas ranges, 152,000; and radio sets, about 1,000,000.

For the first time since VJ-day unemployment declined, the report stated, and additions to pay rolls in March and April were sufficient to absorb discharged servicemen and the 600,000 persons who reentered the labor force in April, as well as to dip into the pool of unemployed.

"The Census Bureau estimated," the report added, "that unemployment in early April was down to less than 2,500,000. If employment by the end of 1946 increases another 2,500,000, we will have reached the 57,000,000 jobs regarded by some Government economists as full employment in the year 1947."

CONSUMER SPENDING SETS RECORD

Retail sales in April rose in some lines from 30 to as much as 125 percent, as compared with the corresponding period last year.

Total consumer expenditures attained unprecedented high levels. The report said, however, that this spending did not reflect an increase in total consumer incomes, but was due to the people dipping into their wartime savings for what goods they could buy.

Persons who during the war were saving as much as 29 percent of their total income are now saving only 14 percent.

In the construction field, residential housing was reported 25 percent higher than in March and seven times that of a year ago. Building permits are being issued at a rate almost equal to the period of record residential construction in the middle twenties.

At the same time, nonhousing construction authorizations are being sharply curtailed to aid the residential program.

The report went on:

"Early reports on the level of retail sales during April indicate that consumer expenditures during that month were at the highest rate ever attained. Department-store sales were 51 percent above April 1945, and sales by other types of merchandisers showed similar gains.

"A compilation of chain-store sales during April demonstrates that the largest chain of stores selling automotive accessories increased its sales by 125 percent over a year ago. Sales of shoe-store chains increased 120 percent, men's-wear chains 90 percent, mail-order houses 66 percent, women's apparel chains 45 percent, general-merchandise and variety-store chains 40 percent, and drug and grocery chains 30 percent over last year."

SAVINGS RATE IS CUT

However, the report notes, expenditures are at the expense of savings to a greater extent than during the war. Americans who during the war were saving as much as 29 percent of their total income are now saving only 14 percent. This rate is still higher than the prewar rate, when even in years of peak prosperity savings were only 10 to 12 percent of total disposable income.

Pointing out that expenditures would be even higher if goods were available for purchase, Mr. Small warned against thinking that price increases alone would bring forth sufficient production to avoid inflation.

"If any lesson is to be learned from our experience in 1919-20," he repeated, "it is the risk of relying exclusively upon price increases to solve our problems. If we are to avoid a repetition of 1920, we must not price ourselves out of the market."

The report went on:

"The Civilian Production Administration has taken the position that the extension of price control until June 1947 will not deter but will encourage production if the controls continue to be administered with increasing realism and flexibility.

"This agency feels that price controls are vital to prevent preemptive buying and hoarding of materials. CPA also believes that other measures, such as appropriate fiscal policy, must be used to supplement price control if it is to be effective in staving off inflation.

"The rise of 1,000,000 in employment from early March to early April absorbed all the men released from the armed forces. The 600,000 others who reentered the labor force in the month caused 'the first decline in unemployment since VJ-day,'" Mr. Small said.

He went on:

"Should employment rise another 2,500,000 this year—and such a rise seems certain in view of the large increases in construction activity and durable-goods production schedules for the months ahead—employment will hit the 57,000,000 mark, defined in some quarters as 'full employment' for the postwar transition period.

"The changes in the labor force and in employment in the past 2 months tend to confirm the conclusion advanced in earlier reports that the country is likely to face a severe labor shortage in the closing months of 1946.

"The loss of man-days of working time as a result of strikes has been greater during the first 4 months of 1946 than ever before in the country's history.

"Although records of man-days idle were not kept for the period following World War I, it is clear that the current losses are even greater than in that period, even after allowance for growth in population."

ALL BUILDING ON RISE

Despite the Government's efforts to channel the bulk of building materials into new housing, commercial construction was 10 times that of last April, Mr. Small said, and all types of building shared in what he called the sharp upward movement.

He reviewed the progress, previously reported in most cases, so far made in stimulating production of critically scarce building materials. The judicious use of premium-payment subsidies recently authorized by Congress should make further gains possible, he said.

The gains in consumer-goods production were marked, in many cases. Output of washing machines, for instance, jumped 51 percent in April over March, to a total of 177,000 units. This is 12 percent higher than the prewar rate.

Other all-time high marks were reached as follows:

Tires, passenger car and motorcycle, 5,600,000; a 4-percent increase over March.

Men's suits, nearly 2,000,000 (March estimate).

Vacuum cleaners, 175,000; 8 percent over March.

Electric irons, 382,000; a 24-percent gain from March.

Postwar peaks were reached in production of the following:

Automobiles, 150,000.
Trucks, 81,000.
Women's hosiery, 54,000,000 pairs.
Sewing machines, 28,000.
Domestic mechanical refrigerators, 143,000.
Electric ranges, 23,000.
Gas ranges, 152,000.
Radio sets, nearly 1,000,000.

Mr. BYRD. Mr. President, I also ask to have printed in the RECORD as a part of my remarks a statement from the New York Times, written by Mr. Louis Stark, respecting the agreement made with the coal miners.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOFT COAL LEADERS TELL KRUG CONTRACT IS UNFAIR, RUINOUS—ASK CONFERENCE TO WORK OUT PRACTICABLE APPLICATION—SAY PACT SADDLES HUGE HIDDEN WAGE COSTS ON OWNERS

(By Louis Stark)

WASHINGTON, May 30.—Bituminous coal operators, smarting under the contract signed yesterday by the Government and John L. Lewis, protested vehemently today over the

telephone to Secretary J. A. Krug, Coal Administrator, who arranged the agreement, and demanded an early conference for the purpose of working out what they consider would be a "practicable" method of carrying out the arrangement.

Stating that the 400,000 members of the United Mine Workers were to receive at least 25 cents an hour instead of the 18½ cents announced, the operators declared that "hidden" wage costs, far greater than those apparent on first examination of the document, had been fsaddled on the industry.

The stipulation in the new agreement that Federal Bureau of Mines safety standards are to prevail would raise the cost incalculably, according to the operators. Exactly how much they could not say, but they explained that under the Bureau's objective standards in 1943, when an estimate was made, it was said that adherence to a Federal yardstick at that time would have meant an addition of $600,000,000 a year to the industry's cost.

The present contract, it is estimated by the operators, will add from $200,000,000 to $300,000,000 to annual costs.

The wage provisions of the new coal agreement are retroactive to May 22, when the mines were taken over by the Government.

One operator said that it was a "grave question" whether Alabama coal operators who operate high-cost mines would be "able to live." These operators, according to a spokesman, are now considering whether to turn over their mines to the Government "for keeps" and to ask for a fair recompense.

Some operators are now taking the position that no corporate funds will be available to the Federal coal mine management except as the Government may, at its own risk, appropriate money now in the companies' treasuries or paid into them henceforth.

The obligatory 9-hour day with overtime payment and the vacation payments, together with the 5 cents a ton for health and welfare, would, the operators say, add 6½ cents an hour to the 18½ cents announced yesterday.

"This is the worst injustice ever perpetrated on any group of people, bar none," said one large coal operator who declined to permit use of his name.

He declared that the Government, in making mandatory the carrying out of Federal Mine Bureau standards, was doing by administrative decree what Congress had not given it authority to do.

Under the contract, he said, a coal operator and his managers could be dismissed from their posts unless they complied with the standards set by the Bureau of Mines. He felt that by this provision the Bureau had received a blank check to revise and reinterpret previous safety rulings and impose them on the industry.

The operators pointed out that the contract stated that "the Director of the Bureau of Mines, after consultation with representatives of the United Mine Workers and such other persons as he deems appropriate," shall issue a reasonable code of safety standards. He felt that this meant union domination of the Bureau, the clause even omitting mention of the operators, except generally.

Referring to the provision permitting union safety committees to order miners out of the mines when they consider the pits unsafe, the operators assert that this would give the union the right to roam at will and saddle upon them costs of compensation if committeemen were injured.

This clause gives too much power to safety committees, it was argued, for even if a Federal inspector had pronounced the workings safe 5 minutes before the union committee inspected them, the latter's orders would have to stand.

Although the mines are operating under technical seizure orders, it was maintained by the operators that they would have no voice in selecting the operator member of the jointly administered health and welfare fund. Mr. Krug selects one, according to the agreement, the union selects one, and jointly they select the third. The operators' view is that Mr. Krug's selection would not be the operators' selection, although they concede that the Secretary asked the operators to submit five names for this place.

In the steel and other industries, it was maintained, 18½ cents an hour was paid because reduction of take-home pay, due to shorter hours, made such an increase necessary. But the operators say that Mr. Krug is maintaining the 9-hour day, so such a wage increase is unjustified.

The vacation provision in the contract was held unfair by the operators because it is made retroactive to June 1945, while the mines were not seized until last week.

At the same time, they complained that while the usual practice is to give vacation pay for 1 year's service or over, the Krug-Lewis agreement provides such pay for any period of time under a year at the rate for the months worked. Thus a man employed 3 months would get $25 as a vacation payment for that period.

The new contract, it was further urged, "kills the penalty clause" of the old agreement. Fines for wildcat strikes were formerly turned over to the Red Cross or to colleges for coal research or in some cases to indigent miners. In the new agreement this money is to go to the fund for medical and hospital services, to which the men contribute and which is to be administered solely by the union.

At a strategy meeting the operators decided today that they would wait for an OPA coal ceiling price decision before they sought a new contract of their own with the union. That decision may take several weeks, it was said.

The National Wage Stabilization Board is expected to approve soon the wage increase provided in the Krug-Lewis contract.

THIRTY TO THIRTY-FIVE CENTS A TON RISE IS SEEN

WASHINGTON, May 30.—Government officials predicted tonight that the strike gains of John L. Lewis' miners would increase the price of soft coal 30 to 35 cents a ton for consumers.

Chester Bowles, Stabilization Director, cannot approve a price increase until the wage board has acted on the miners' pay, but his aides said he would wait—perhaps a month or more—for reports from the mine managers on their new costs of operation.

Officials who previously believed the price increase might be held to 25 or 30 cents a ton raised their estimates by 5 cents after seeing the full contract terms.

The Government-Lewis coal contract will be in effect only as long as the Government has the mines. It does not bind the owners in any way. The Government will have to keep possession of the mines until the owners and Mr. Lewis agree to a contract of their own.

THE ST. LAWRENCE SEAWAY AND POWER DEVELOPMENT—CORRESPONDENCE BETWEEN SENATOR AIKEN AND C. L. CAMPBELL

Mr. AIKEN. Mr. President, on April 3, I inserted in the RECORD a letter received from Mr. C. L. Campbell, president of the Connecticut Light & Power Co., in which he took exception to statements which I had made relating to the St. Lawrence seaway and power development, together with my reply to his letter.

Under date of April 30, Mr. Campbell wrote me again taking exception to certain statements which I made, and requesting that his letter to me be inserted in the RECORD.

I am glad to comply with his request to insert his letter of April 30 in the RECORD, with the permission of the Senate. However, as Mr. Campbell's contentions are entirely without any foundation of fact, and as he appears to be still under the delusion that the power companies of New England are doing an adequate job at reasonable rates, I ask that my reply to his letter of April 30 also be inserted in the RECORD at this point. I do this because the points in controversy are of interest not only to the region that would use low-cost St. Lawrence power, but to the entire Nation as well.

Mr. President, I repeat, I should like to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE CONNECTICUT LIGHT & POWER CO.,
Hartford, Conn., April 30, 1946.

The Honorable GEORGE D. AIKEN,
The United States Senate, Senate Office Building, Washington, D. C.

DEAR SIR: Your letter of April 2 concerning the article you prepared and included in the CONGRESSIONAL RECORD of January 29, 1946, entitled "Development of the St. Lawrence—Benefits to Rural Electrification" has been received. In this article you stated:

"During the war the shortage of electricity in the Northeast was one of the biggest headaches the war mobilizers had."

This statement certainly implies that during the war there was a widespread shortage of electric power in the Northeastern States, which would include the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the State of New York. This is why I asked you, in my letter of March 15, to specify more specifically just what particular communities in the Northeast were short of electricity, because I did not know of any. In your reply of April 2 you now qualify your original statement with the following:

"I think first we should have an understanding as to the kind of shortage that is being referred to. Obviously, insofar as the general public is concerned, there was no apparent shortage, since when a consumer reached for electrical energy to light his lamps or run his radio or when industrial plants desired to start up a motor, they were always able to do so."

It is unfortunate and somewhat misleading that your original statement included in the CONGRESSIONAL RECORD of January 29, above-quoted, did not contain this same qualification.

It now appears that what you had in mind was not a shortage of electricity in the Northeastern States in the ordinary meaning of the word but that there was not unlimited surplus power already available to meet the unprecedented demands of war. Furthermore, it appears that the territory that you had in mind was not the seven Northeastern States, nor any appreciable part thereof, but one particular section of one particular State. It is unfortunate that your original statement did not contain this qualification.

In your letter of April 2, in which you purport to give specific instances, the only industries you name are those located near Niagara Falls and supplied from the 25-cycle system at Niagara Falls. It is well known that 25-cycle electric power is not standard in this country since almost 99 percent is 60-cycle power. Furthermore, it is also known that the amount of water available at Niagara Falls with which 25-cycle electric power is produced is limited by treaties between this country and Canada. Also, that

practically every year ice troubles, slush, or adverse winds tend to reduce the water supply to the plants at Niagara Falls. I am informed, therefore, that it was determined by those in charge to be illogical and uneconomic to expand this nonstandard 25-cycle development.

Referring once again to the above-quoted statement in the CONGRESSIONAL RECORD of January 29, in my letter of March 15, I asked you also if you would give me the names of the war mobilizers that you referred to in this statement. In your reply of April 2, you have failed to give the names of any persons connected with the War Production Board, which was the agency charged with the production of war materials. The following statement made by J. A. Krug, Chairman of the War Production Board, seems to be in conflict with your letter:

"The entire world stands in frank amazement today at the record of war production of American industry. In the short span of only a few years, the men and women of the United States have fashioned a war machine and have turned out the weapons for making war on a scale unmatched in all history.

"Electric power has been the lubrication for this tremendous war plant, and it has never failed. My statement of February 16, 1945, concerning the accomplishments of the electric utilities, can be repeated now with equal confidence. Now, just as truly as then, it may be said: 'Power has never been too little nor too late.' "

With respect to the power situation in the Northeastern States during the war, I am submitting below a statement furnished me by Col. John Damon, who was in charge of the Army section of the Power Division of the Army and Navy Munitions Board, and Mr. C. W. Mayott, of the Power Branch of the War Production Board during the whole war period:

"There was no curtailment in the Northeast area or any other area during the war. In the interest of over-all production for war, loads were placed, as far as possible, where the over-all use of critical materials were the least, regardless of the location in the country. There were very few cases where additional power facilities could not be constructed and placed in operation as quickly as the new factories required their output. Interconnections, of course, were used for maximum accomplishment and fuel savings. These interconnections were found to be well placed and of sufficient capacity to take care of all war requirements except where new loads required corresponding increases in facilities.

"As far as the Niagara Falls case was concerned, this area is supplied with 25-cycle power. It has motor-generator sets connecting it with the main 60-cycle power system of New York and the rest of the Northeast.

"Treaty requirements limited the amount of water that could be used for power purposes. Close cooperation and coordination with the Ontario Hydro Commission effected maximum use of all facilities available. But war loads on the 25-cycle system had increased till only a war minimum of reserves were available on this 25-cycle system. (The main systems in New York as in most of the country generated 60 cycles.) Therefore, should Niagara River conditions make any material reduction in the hydro capacity it would be necessary to reduce some load. In anticipation of such a possibility and to provide legal methods of discrimination in favor of the most needed war supplies, the War Production Board issued Limitation Order L46 on March 30, 1942. This order was divided into two parts. The first was to handle possible curtailments of load on the 25-cycle system. The second was to limit new loads on the 25-cycle system.

"It was never necessary to invoke the first part providing for possible curtailments.

"The second part was put into effect as the War Production Board did not find it could justify the installation of additional 25-cycle generating equipment as against having increases in load placed in other sections of the country."

In your letter you make reference to other matters such as rates and the inability of industry and customers to obtain power in this area, none of which are really germane to the particular problem you were discussing which is whether or not the St. Lawrence project should be developed.

I might just say that, speaking in general terms, the rates for electric power in the northeast section of the country compare quite favorably with those in other areas of the country considering the different conditions prevailing. The rates of all of the utilities in the northeast section of the country, I believe, are subject to regulation by State commissions which protects the customers against overcharges.

I am unable to find a record of any industry failing to locate in the northeast section of the country because of the cost of power. That item is seldom, if ever, an important element in considering the location of factories.

As this project, if proceeded with, will involve the expenditure of a huge sum of money, I am sure you will agree with me that it is very important that correct as well as complete facts be considered before any decision is arrived at. For that reason, inasmuch as you inserted your letter of April 2 in the CONGRESSIONAL RECORD, I would ask that you also have inserted in the RECORD this reply in order that the record may be complete.

Very truly yours,

C. L. CAMPBELL,
President.

MAY 30, 1946.

Mr. C. L. CAMPBELL,
President, the Connecticut Light & Power Co., Hartford, Conn.

DEAR MR. CAMPBELL: I have your letter of April 30 in which you refer to my letter of April 2 relating to my article entitled "Development of the St. Lawrence, Benefits to Rural Electrification," which appeared in the January 1946 issue of the magazine, Rural Electrification.

While it is not my intention to prolong unduly our exchange of correspondence in this matter, I feel, however, that your interpretation of certain portions of my letter, together with your views regarding some of the basic facts relating to the St. Lawrence project, demands that I make this further effort to keep the record straight.

First, I should like to emphasize that when I referred to the shortage of electricity in the Northeast as being "one of the biggest headaches the war mobilizers had," I was referring to the area which includes New York State and New England. I repeat what I wrote in my letter of April 2, that:

"I do not single out your system, nor do I refer to your corner of the Northeast in particular; I am considering the Northeast as a region and the value of cheap St. Lawrence power to that region."

Hence, I do not limit my reference to any particular section of any particular State.

As for your quotation from Mr. J. A. Krug, when he was with the War Production Board, I fail to see how that general statement can be construed to apply specifically to the Northeast. And, even if you should so construe it, the preponderance of evidence shows clearly that there was not available then an ample supply of power, at all times and in all places, to meet war requirements.

The recent shortage of power, because of the coal strike, serves to dramatize even more clearly the important place which St. Lawrence power could play in your area if it were now available.

I have in my possession a photostatic copy of a map prepared by the War Production Board in October 1942 showing areas of power scarcity and surplus in the United States of America. According to this map, as indicated by the legend, the area around Niagara Falls, N. Y., had the most critical power shortage at that time, and virtually all of New England was classified in the category of the next most critical area. The information for this map was provided by Mr. J. E. Moore, of the War Production Board. In the course of his service with WPB, Mr. Moore was Deputy Director, Power Division, and Chief, Power Supply Section of the Power Division. In private industry Mr. Moore was an engineering official of the Electric Bond & Share organization.

It is common knowledge among those who were responsible for the location of war industries during the emergency that the availability of power was one of the first questions considered with reference to the location of a new plant or industry in any given area of the country. It is common knowledge also that the Northeast portion of the country, because of the lack of sufficient power, was eliminated from consideration in many cases, and plants accordingly were located in sections where power was available. The gravitation of war industries to such places as the TVA area and the Pacific Northwest was due in large measure to the availability of power in those areas. The inadequate planning of the power companies militated against the best interests of the Northeast and its citizens. The shortage of power in this area is the main reason why so many people had to migrate from New England to the Tennessee Valley, the Pacific Northwest, and other areas of the country to find war jobs.

And even more serious, so far as the welfare of the Northeast is concerned, than the failure of industry to locate in the Northeast during the war is the threat of a further loss of industry through moving to other areas now that peace has come. In this connection, I should like to call your attention to an example, which I consider to be fairly typical of the whole Northeast area. During the hearings on S. J. Res. 104, providing for approval of the 1941 agreement between the United States and Canada to develop the St. Lawrence seaway and power project, Mr. Hugh Thompson, well known labor and civic leader, of Buffalo, testified on February 22, 1946:

"I had the president of a very important company in Buffalo tell me no longer ago than last week that the Columbia River group had come to him—he has an electrochemical industry—and told him the price at which they would sell power to him and that they would move his plant out there if he would go out there. Power there is very cheap.

"He said that he was waiting to see if the St. Lawrence seaway would go through before he would accept the proposition."

Because of the shortage of power in this country strategic materials were diverted from the United States to the Shipshaw project, where an aluminum plant was built and Canadian power utilized.

The idea that I am trying to get across is that in the Northeast there is available in the St. Lawrence River a tremendous power potential that was not utilized during the war, and certain groups are trying desperately now to keep the Nation from utilizing it during peacetime. We have now reached the point where it no longer is a question merely of whether or not one section of this country will provide ample cheap power for certain industrial uses, such as the electrochemical industry and electrometallurgical industry, but it is a question of whether these industries can find sufficient cheap power in this country or be forced to seek it in foreign lands. Therefore, it is very important to the future progress of the country that the additional quantity of power that will be made

available by the St. Lawrence project become available at the earliest possible date.

I must confess amazement at your statement that the cost of power "is seldom, if ever, an important element in considering the location of factories." This means that you have overlooked, or are unfamiliar with, the electrochemical and electric furnace industries in which the cost of power is such a large part of the cost of production that the industry cannot prosper without cheap power. And even when the cost of power is not a large percentage of the total production cost, it is an important factor nevertheless.

Moreover, I cannot accept your assumption that a discussion of power rates and the availability of power to industry and other customers is not germane to the broader question of whether or not St. Lawrence power should be developed. As I see it, the first consideration is: Will there be a market for the power if it is developed? The second consideration is: What will the power cost? I am sure that you, as a representative of private industry, would not be likely to go forward with the development of a power project without first considering whether or not there would be a market for such power. I am sure also that the rate at which you would sell such power would be very likely to enter into the considerations. The fact that the Government is considering this project does not justify the suspension of all laws of business and economics. It has been clearly shown that this project will pay for itself many times over in savings to the public.

It is interesting to note that the claims as to the adequacy of power in the Northeast are substantially the same now as in 1933 when the St. Lawrence issue was before the Senate Foreign Relations Committee. And yet the demand for electricity in the Northeast has practically doubled in the last decade. Still the claim is being made that there has been an ample power supply in this area, in spite of the fact that the Joint Chiefs of Staff have recently referred to it as "a power-deficit area" during World War II. Suppose we had not had in operation such projects as the TVA, Boulder, and Bonneville to meet the power demands of that war.

As compared with actual 1940 energy requirements for the St. Lawrence area of 26,310,000,000 kilowatt-hours, it is estimated that by 1950 the energy requirements for this area will have risen to 42,900,000,000 kilowatt-hours, and by 1960 to 55,500,000,000 kilowatt-hours.

According to the Federal Power Commission, the utilities' plans call for an additional installation of 638,000 kilowatts in the Northeast within the next 3 years. If the power companies are willing to undertake this additional installation, this is a clear indication of their confidence that there will be a market, in the immediate future at present rates, for power equivalent to a large percentage of the St. Lawrence capacity. In the face of this fact, any argument that there will not be a future market for additional cheaper power, such as could be provided by the St. Lawrence project, seems rather illogical. The real question the is, Which is the best and cheapest source of power? It has been shown definitely that St. Lawrence power will be much cheaper.

It is difficult for me to understand also your statement that:

"The rates for electric power in the Northeast section of the country compare quite favorably with those in other areas of the country, considering the different conditions prevailing."

According to Federal Power Commission figures, the average rate for class A and class B utilities in the six States in the St. Lawrence market area (the Northeast) was 4.42 cents for domestic use in 1944. The same average for the entire area centering around the Tennessee Valley was 2.47 cents and in the area around the Columbia River development the rate was about 1.84 cents. I don't know what you mean by the terminology "different conditions prevailing," but to my mind these figures for the Northeast do not compare favorably with the other areas where power projects comparable to the St. Lawrence have been developed.

With reference to what constitutes a shortage of electricity, I did not mean then, and do not now so interpret, that any portion of my April 2 letter placed any qualification as to what a power shortage is, in the sense that you have interpreted it. Considered in its proper context, I think what I said was perfectly clear. I hope you will pardon me from quoting from my previous letter this paragraph, which I can assure you is what I meant without qualification:

"You who are in the utility business understand, I am sure, that you can only contract for the amount of power available from your system and beyond that point you must decline to take on any additional load. To the extent that any system is unable to take on new load and such load must be diverted to another system or another part of the country, then to that extent there exists a shortage of power for necessary and desirable users. That is the kind of shortage which I am talking about."

Your whole question concerning the limitation placed upon Niagara Falls power because of the low-cycle generation seems to me to be answered by the quotation in your letter of April 30, which says that the Niagara Falls power—

"* * * has motor-generator sets connecting it with the main 60-cycle power system of New York and the rest of the Northeast."

According to power experts, it is a rather simple procedure to make 25-cycle power and 60-cycle power interchangeable.

The significant fact in this connection is that if there had been sufficient 60-cycle power available in the Northeast, frequency-changer equipment to convert to 25-cycle power would have been cheaper, and less strategic materials would have been used, than the building of new power plants. Furthermore, most companies buying 25-cycle power could just as well have used 60-cycle energy for additions to their plants if the power had been available there, instead of locating in other areas of the country.

I am thinking of this whole question not merely in terms of the war which is past, but in terms of the future prosperity of the country which is before us. In this latter respect, I am thinking of it in terms of providing low-cost power as an inducement to industrial expansion, and of affording greater comforts and conveniences to the thousands upon thousands of unelectrified rural homes in the Northeast, and of the contribution which this power, in turn, can make to the prosperity and happiness of the Nation.

I agree with you wholeheartedly that a project of the magnitude of the proposed St. Lawrence undertaking should be considered from all angles before any decision is reached. However, in view of the fact that the project has been so thoroughly considered in many studies and in congressional committee hearings, I think that you will agree that there is a limit to the possibility for continued constructive exploration of this subject. Therefore, it is my hope that a showdown on the St. Lawrence legislation, now pending in the Congress, may not be delayed interminably by discussion and procrastination.

Sincerely yours,

GEORGE D. AIKEN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. ANDREWS of New York, and Mr. SHORT were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCGEHEE, Mr. COMBS, and Mr. PITTENGER were appointed managers on the part of the House at the conference.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. BUSHFIELD. I send to the desk an amendment in the nature of a substitute for the pending bill, and ask that it be printed.

The PRESIDING OFFICER. The amendment will be printed and lie upon the table.

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "A Nation's Growing Pains," from the Brattleboro Daily Reformer of May 29, written by John S. Hooper, coeditor of the paper.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATION'S GROWING PAINS

The machinery of democratic government grinds slowly. The only governmental machinery that grinds faster, however, is that of despotism. In our periods of impatience we should cling tenaciously to the memory of what has happened when democratic peoples swapped the cumbersomeness of a free government for the iron-handed efficiency of a despotism.

Nor should we forget that the crises in the history of democracies have had precedents every bit as critical in their day. At this time, when the Nation seems about to be struck down by strikes, we can look back into the horse-and-buggy days, the "good old days" that included the gay nineties, and find that in the 25 years between 1881 and 1906 there occurred some 38,000 strikes and lock-outs, involving almost 200,000 establishments and over 9,500,000 workers.

Just previous to this period the great strike of 1877 had taken place, in which the employees of four eastern railroads fought a 10-percent wage cut in a strike that had all the violence of a rebellion. Lasting for a week, it paralyzed every large industrial city from the Atlantic to the Pacific. In Baltimore, Pittsburgh, Chicago, Buffalo, and San Francisco there were pitched battles between militia and mobs of unemployed who joined the strikers. Scores were killed and property damage was estimated at $10,000,000.

During the more than 70 years of struggle between capital and labor, the ogre has been

monopoly in some form or other. In the beginning, and for many years, the power of monopoly lay in the hands of capital. And as early as 1887 Government was drawn into the struggle in an effort to achieve a balance, with President Cleveland crying out against the "existence of the powerful combinations and monopolies, while the citizen is struggling far in the rear or is trampled to death beneath an iron heel." This was followed in the next election by both parties pledging opposition to the trust and monopolies, with the Sherman Antitrust Act following in 1890.

Government has been squeezed between these two struggling forces ever since. But lately there has been a shift in the monopolistic power from capital to labor, to the extent that the Government's long battle for a balance between capital and labor is again brought violently to the public attention.

If there is any lesson that we should have learned from history it would seem to be that the public has been too concerned when there have been violent upsets in the balance of power between capital and labor and not sufficiently concerned with the continuous but undramatic struggle between crises. The result has been extreme legislation enacted to meet the crisis at hand rather than legislation designed to effect a balance in the interest of the Nation as a whole between its two economic forces, each of which has proven itself capable of utilizing the evils of monopoly.

In the present debate in Congress on the President's overweighted bill there is some hope that this lesson may have been learned.

JOHN S. HOOPER.

The PRESIDING OFFICER. The question before the Senate is on the committee amendment on page 5, line 2, to strike out the word "lock-out."

Mr. PEPPER. Mr. President, I merely wish to give my hearty approval to the action of the Government in the settlement of the coal strike. I feel that the pattern which the Government followed in the settlement of that controversy was a very wise course, and I particularly wish to commend the Government for the requirement that there be provided by the industry, on the basis of so much for each ton of coal mined, a health and welfare fund. I hope the Government will insist that a health and welfare fund shall be provided from every industry which the Government shall take over and operate.

Until we secure the enactment of a national health act which will give the facilities for maintaining hospital care for the people of the Nation, as they deserve it, it seems to me that for all practical purposes the only effective sources of funds to provide such health and welfare to the people are the industries of the country themselves.

I noted with great pleasure that the administration of the fund is to be under the general supervision of the Government of the United States and the miners, that is, the mine workers, with a third representative to be appointed by the two. There may be some who will say that that was what was embodied in the Byrd amendment adopted in the Senate a few days ago, but I do not think so. This is not the operators naming a representative and the miners naming a representative and the two naming a third, but the Government of the United States naming a representative and the employees naming a representative, and the two naming a third. So, after all, the administration of this fund, which is paid by the public and provided for the benefit of the workers, not management, is under the Government and the employees, and the third party is selected by the two, and the fund is not under the administrative direction and scrutiny of private management itself.

Mr. President, if the Government had pursued in the rail strike the course it has followed in the coal strike, in my opinion we never would have had a day of interrupted rail service in the United States.

So I wanted to commend what Mr. Krug, Secretary of the Interior, and his able representative, Vice Admiral Ben Moreell, and the President did in negotiating an agreement with the miners, a fair agreement, one which I believe the public will approve, especially in providing a health fund which will come out of the proceeds of the industry itself measured in terms of the tonnage of coal produced. It was a wise policy wisely pursued, and I want to give it encouragement and commendation.

Mr. TAFT. Mr. President, I desire to state the reasons why I shall vote against the pending bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Briggs	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Burch	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wherry
George	Moore	White
Gerry	Morse	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	Myers	
Hart	O'Daniel	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out." The Senator from Ohio is recognized for 30 minutes on the amendment.

INTERSTATE COMPACT BETWEEN COLORADO AND NEW MEXICO WITH RESPECT TO THE WATERS OF COSTILLA CREEK

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Colorado.

Mr. MILLIKIN. Mr. President, on behalf of the senior Senator from New Mexico [Mr. HATCH], the junior Senator from New Mexico [Mr. CHAVEZ], the senior Senator from Colorado [Mr. JOHNSON], and myself, I ask unanimous consent, from the Committee on Irrigation and Reclamation, to report favorably, without amendment, House bill 4510, granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek, which is an interstate stream between Colorado and New Mexico, and to submit a report (No. 1399) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. MILLIKIN. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 4510) granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek was considered, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis, during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out."

Mr. TAFT. Mr. President, I ask unanimous consent that my time on the amendment begin from this time, instead of from the beginning of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I desire to state the reasons why I intend to oppose the pending bill unless a complete revision is made of it, which would certainly require consideration by a committee.

I do not criticize the President's action with relation to the rail strike or the coal strike. I have never done so. I believe that he faced one of the most serious problems that any President has ever faced. It seems to me that his handling of the rail strike was entirely justified.

and brought about the result which should be brought about. I did not criticize him before, and I did not criticize him afterward. I believe that the situation was brought about by the continuance for many years of a policy so completely pro-labor and so completely in favor of building up the power of labor-union leaders that the administration is responsible for the situation. However, I am willing to give 100 percent approval to the President's handling and settlement of the strikes.

There was absolutely no excuse for the railroad strike. When the mediation procedure provided by Congress and the railroad men themselves under the mediation law had been followed, when a board had decided the merits of the case, whether that decision was right or whether it was wrong, I do not think any railroad labor leader had a right to call a strike against that decision. The action of the two leaders who did so, and their actions subsequently in threatening reprisals, are only evidence of their stupidity and arrogance, which the President has every right to resent.

What I do criticize is that after the settlement of the railroad strike, when it was known to have been settled, and when it was known that the coal strike was in process of settlement and would almost certainly be settled, the President continued his demand for unlimited emergency power to extend over a further period of at least 12 months, and insisted that the Congress pass such legislation hastily, without consideration, on the very night on which it was introduced.

The President himself held off asking for emergency legislation until the very last moment. I pointed out that he did not use the powers he already had under the statutes which then existed. Apparently, he hoped he could settle the strike without this emergency action, and yet after the emergency has ended he demands that Congress immediately, without consideration, adopt emergency legislation, when it no longer is immediately necessary.

It seems to me that Congress should take its time, and should use legislation of this kind again only as a last resort—as the President used the Smith-Connally Act as a last resort—when there was no other method of dealing with the situation.

Mr. President, in this labor problem situation we should give considered and unbiased consideration to the whole problem. I do not believe we should be moved by emotion, or by crisis, or by political views, or by resentment against unreasonable labor action, or unreasonable threats from labor leaders, or unreasonable demands for immediate action from thousands of persons who do not really, fundamentally, understand the facts and difficulties involved in any labor situation.

The Case bill, Mr. President, was given months of nonpartisan consideration in the Committee on Education and Labor. We had extended hearings. We heard from all sides. We heard from the labor people, from the employers, from many experts on labor relations. We considered that expert testimony and the merits of each proposal. There may be differences of opinion as to the things we did, but certainly it was a carefully considered measure and a constructive measure to deal with the labor situation.

The particular bill now pending before the Senate, it seems to me, after listening to that testimony and listening in the hearings to people who know, cannot be supported as sound permanent legislation. Yet if it is justified today, I do not quite see why it is not justified permanently. Today there exists no special situation which may not be in existence at any time within the next 10 years.

It was the unanimous view of both sides in the committee that we should not proceed to set up a compulsory system of arbitration and Government wage fixing. We even felt that we should not go so far as to set up a Government fact-finding board to ascertain what the wages should be, except in the matter of public utilities. We had already done so by the mediation law for the railroads; and the minority of the committee felt that at least fact-finding procedure and the suggestion by the Government of a proper wage, should be extended to public utilities. But we did not feel that we could go to compulsory arbitration in respect to public utilities or to fact finding in respect to the rest of the economy without destroying, in effect, the free-enterprise system on which this Nation is based.

Mr. President, we cannot have a free economy if the Government in effect fixes wages and thereby destroys the process of collective bargaining. The Government cannot fix wages unless it also goes further and fixes prices. We cannot fix wages unless we are willing to fix prices; and any universal, compulsory arbitration system is bound to lead gradually to the fixing of wages, and then the Government becomes the ultimate arbiter, and a sufficient number of cases go to the Government so that the Government finally fixes the entire wage pattern of the United States. We had an example of such informal action by the President in his fixing of the 18½-cent wage increase, which to my mind was a grievous error, as it proposed a uniform rule when there should be none. I believe it will lead to an increase in cost which inevitably will force increases in prices. The very fact that the Government is there, at the end of the legal procedure for mediation, means that we do not have collective bargaining. Either one party or the other figures that it will be to its advantage to prolong the controversy, rather than to settle it, because one party or the other considers that it can obtain a better deal from the Government board than from voluntary collective bargaining. The very existence of that last appeal to the Government in effect destroys the whole value of the collective-bargaining process. I feel very strongly that if we adopt such a policy, we shall destroy the free-enterprise system in the United States and shall ultimately subject every wage to determination by the Government of the United States. In that event we have, in effect, a totalitarian government.

So, in the Case bill we were very careful not to go to that extent. That bill imposes only certain limitations on the right to strike, and they are not directed to the ultimate question of determining what the wages shall be.

In the Case bill we restricted the right to strike during a period of 60 days from the time when the negotiations are opened. Incidentally, a statement appeared in the newspapers yesterday, in an Associated Press dispatch, that the mediation board could step in at any moment and could impose a 60-day waiting period. That is not so. The 60-day period runs from the time when the first party asks the other party to open negotiations, and probably the mediation board may not step in until 30 days after the negotiations have commenced, at a time when apparently they have begun to fail. In that case we said there shall be no strike during that period. That is a strengthening of the collective-bargaining process, not a weakening of that process, nor can the Government ever assume the wage-fixing power.

One other penalty imposed by the Case bill was that during the life of a collective-bargaining contract, while it is in existence, no individual can strike. The union cannot strike without violating the contract and rendering itself liable, and no individual may go out on an outlaw strike without forfeiting his own rights. That again is a provision designed to strengthen the whole process of voluntary collective bargaining.

The only case in which the Case bill goes on toward a final Government arbitration proceeding is in regard to fact-finding for public utilities; and it should be pointed out that there we are already fixing rates or prices, and the further step of fixing a wage is not a material change in our present regulation of public utilities.

The bill now pending shows exactly where we go if we say that we may finally impose compulsory arbitration and compulsory settlement in regard to every strike in the United States. It shows exactly what the logical conclusion is once we begin a process of putting something over and above the collective-bargaining prccess, and start to impose on the country Government wage-fixing by force.

This bill is particularly bad even from the logical standpoint of those who think there should be compulsory arbitration, because it leaps right over those processes. In many of the cases in which the President could take over plants, there would be no determination by anyone as to what the justice of the situation was. In those cases the determination would be left to the individual and arbitrary discretion of the President of the United States himself. There is no suggestion that there would be fact-finding or arbitration or anything else. If a strike occurred, the President would step in and would bypass every other process of collective bargaining; and he would arbitrarily impose a Government fixed wage, and set aside the collective-bargaining process, through the ability of the Government to seize the plant.

Mr. President, in trying to establish a proper procedure for the mediation of labor disputes, and the elimination of labor difficulties, I see no reason to believe that seizure of properties or compulsory wage-fixing should ever have a place.

When we are confronted with an emergency situation involving what, perhaps, may be tantamount to war, we are faced with something entirely different from that involving a proper method of settling labor disputes. We must admit that no government should allow arbitrary labor-union leaders to destroy the Government itself. We must admit that the situation may develop to a point where the Government will be compelled to step in. We must admit also, that a situation as bad as war could develop, and that it could produce starvation and destruction of the health of countless numbers, which no government can permit to exist. But the possibility of such conditions should not change a permanent, sound labor program. Under such circumstances, we deal with a situation equivalent to revolution. We deal with persons who say, "We do not care whether we starve the rest of the world, or whether we impose health hardships upon them." I assert, Mr. President, that when we reach that point strikers will be defying, not only the Government but the people of the United States itself.

We saw what took place in England when a general strike there was called. No government can fail to act in such an emergency. No government should fail to do everything which can possibly be done, and to use every power which government has in order to bring an end to a condition of that kind. Such a situation is equivalent to war emergency, while inconvenience to the public resulting from an ordinary strike is not.

So, in the last analysis, the question is, When does a situation arise which the Government must treat as a revolution, and with reference to which it must throw into the breach every power which it possesses? As a matter of fact, I believe that such a condition was being produced by the recent strike. Two days or three days of strike imposed inconvenience, but another week would have brought people in many parts of the country to the verge of starvation. I believe that the President was justified in doing whatever he could do in order to bring an end to the situation.

If the strike had continued until Saturday night, I do not believe that I would have objected to the passage of this bill, not because I like the bill in the shape in which it was, but because it seemed to me that we were confronted with an emergency with which the Congress was required to deal immediately.

However, Mr. President, should we pass a bill permanent in character on the assumption that such a condition as we were confronted with will arise again? Should the bill provide continuous machinery giving to the President arbitrary power to call it into use? As a matter of fact, the powers which are to be granted in such an emergency are unlimited. They are powers which should not be granted to any President during time of peace. If they are needed now, they may be needed a year from now. We should consider legislation of a permanent character. But I believe we should not pass the proposed legislation at all unless it contains provisions to the effect that when an emergency arises, such legislation may be made effective only by action of Congress representing the people. Of course, the consideration of such a legislative proposal requires time and study.

I believe we should study what the procedure should be, make it as perfect as we can make it, and then put it on the shelf. But we should never call it into use unless Congress authorizes its use by a joint resolution to the effect that the country faces an emergency, and that it is willing to make of the President a dictator. I am not now willing to vote for a measure which provides that the President may be a dictator a year from now without the authority of Congress.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. What would be the position of the Senator, in connection with what he has advocated, if the pending measure were to be placed on the calendar of the Senate and not recommitted to the committee, but merely held in abeyance as a club behind the door in dealing with any emergency which may arise in the future?

Mr. TAFT. My difficulty is that I do not like this bill. If we are to have a law which will be permanent in character, but shall rest on the shelf before being placed into effect, I think the bill should, in the first instance, be carefully studied and drawn. That can be done only in a committee. I do not wish to suggest present procedure. As I have already said, I shall vote against this bill in its present form if we are required to vote on it. I have also previously said that I would vote to have the bill recommitted if a motion to that effect were made.

Mr. President, it is said that if we were to pass a bill in the form which I have suggested, it would result in delay in putting its provisions into effect during a time of emergency. Allow me to point out that no delay was experienced in passing the joint resolution declaring war. We could provide, as we have provided on previous occasions, a rule of the Senate which would require immediate consideration of a joint resolution of the kind to which I have referred. We have seen such power exercised in connection with the so-called organization bill which was introduced by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE]. We could provide that the joint resolution would be voted on within 48 hours after adequate consideration and debate. If Congress is not in session when an emergency of that kind arises, it should be called into session. The only kind of an emergency for which I think the suggested powers should be granted would be an emergency substantially equivalent to war. Under those conditions, if it were not already in session, Congress should be called into special session, and required to consider the question whether the President should then be made a dictator.

Certainly, the powers provided for in the pending bill would make that possible. The powers to be given the President would be unlimited. He could take over every plant in the United States. He could take over every transportation agency in the United States. He could take over all the businesses of the United States if he wished to do so. He could do all those things under the statutory authority then existing. In the event that the pending bill had been enacted into law, he could then undertake to declare a strike to be unlawful, to enjoin the enforcement of the strike, and put every striker in jail who did not return immediately to his work. He would have power to take every individual striker in the United States who refused to return to work, punish him for contempt, and send him to jail without affording to him any of the protection which has been provided for several years under the Norris-LaGuardia Act. The Case bill would not set aside that act at all.

It is true that the President must make certain findings. I do not regard that as a limit in any way on the actions of the President. I ask Senators to read the proclamation with reference to taking over the railroads and the coal mines. The President found last week that it was necessary to issue such a proclamation in order to assist in the prosecution of the war. Everybody in the United States knows that there could be no such substantial finding of fact. Technically, perhaps, yes. When we incorporate words in the measure as to what the President must find, they do not necessarily mean much. Perhaps those matters are never looked at by the President until he signs the proclamation. The pending language would give to the President dictatorship over labor, and would clothe him with authority to take over and operate millions of various enterprises throughout the United States.

We were not even asked for such dictatorship powers in time of war, and we granted none. We refused a labor draft in time of war. The Smith-Connally bill never went to the extent of imposing its penalties except on the officers of the union or those actively engaged in fomenting the strike. Yet now we are asked to pass an emergency bill making the President in effect a complete dictator.

We already, it seems to me, are drifting toward a totalitarian government. We have given the President complete power over foreign policy. He can almost certainly involve us in war. We have given him complete power over our trade policy. Under the Reciprocal Trade Act the President can change tariffs and destroy American industry. Almost every bill that comes before Congress asks for broad powers to be given to some board, to be exercised in their complete discretion, so that, in effect, they may make laws, instead of Congress. But this bill, it seems to me, goes far beyond anything we have ever been asked to do. Certainly I feel very strongly that we would be violating our oath of office, we would be delegating powers the peo-

ple gave to us if we should now provide that for 12 months from this time the President, if he finds certain conditions to exist, may make himself a complete dictator over all the business operations and all the people of the United States of America.

The pending bill is unlimited in its terms. Taking up the bill, section 2 provides that the President may take over "plants, mines, or facilities constituting a vital or substantial part of an essential industry." If that provision should remain in the bill, I think certainly it ought to be confined to matters of purely national interest. I understand an amendment is to be offered which will limit it to public utilities, railroads, coal, oil, and steel. Those, it seems to me, are the only industries as to which there is any practical possibility of again actually tying up the country and creating the kind of situation I have envisioned.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Vermont.

Mr. AIKEN. Is it the Senator's opinion that the bill as now written would cover food-processing plants as an essential industry?

Mr. TAFT. Yes; but I do not regard it as necessary to take over food-processing plants, for the reason that food is so widely distributed and there are no unions which cover more than one-tenth or a very small fraction of the total food supply. I would be inclined to think that we could safely leave out "processing plants," but as now drafted I think the bill covers food-processing plants.

Mr. AIKEN. That answers the question. It would cover, then, cold-storage plants and refrigerating plants.

Mr. TAFT. I think so.

Under section 3 the President after he takes over a plant may establish fair and just wages and other terms and conditions of employment at the affected plant solely on his arbitrary discretion without any consultation with any board, if he does not wish to consult it. He may fix wages as he may determine for millions of people in the United States.

Under section 4 any strike is declared to be unlawful even though it is a strike in which there is no contract existing and though it may involve basic questions, including wages.

Then, in section 5, the Attorney General is given power to go into the courts and obtain an injunction against every person participating in a strike, against every employee of the particular company or organization, and the injunction may order the employee to return to work or may require him to work for the Government, with the penalty that, if he does not do so, contempt proceedings may be filed against him and he may be put in jail.

In the Smith-Connally Act and in the Case bill we provided that no penalty should lie against any man who did not participate in a strike and did not do anything about it but simply refused to work. In this bill, however, there is a clause saying that in such cases he shall be deemed subject to the penalty. In this bill it is proposed to remove the protection of the Norris-LaGuardia Act so that an injunction may be granted without notice, if you please; an injunction may be granted against an unlimited number of people, and those people may be haled into court and tried the next day by some kind of summary procedure, without any indictment by a grand jury, which is required by the Constitution of the United States.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I have been following the Senator's argument upon the question of the use of injunctions as found in section 5 of the pending bill. Under that section the Attorney General may petition any district court of the United States for an injunction to secure either compliance with section 4 of this bill or section 6 of the War Labor Disputes Act.

With respect to section 4—I will turn back to that section—we find that it deals with officers of labor organizations conducting or directing a strike and the officers of employers conducting or directing a lock-out.

Mr. TAFT. Section 4 (a) does do that, but section 4 (b) goes on to say:

> On and after the final effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful and that they may enjoin—

Under that I think that every man who refused to go back to work could be enjoined.

Mr. REVERCOMB. My point is, would the objection raised by the able Senator be good if the use of the injunction applied only to section 4 (a)?

Mr. TAFT. Yes. I have an amendment which reads as follows:

> Between lines 23 and 24 on page 4 insert the following in the subsection:
>
> "No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment."

That provision was inserted in the Smith-Connally bill, which was the most extreme labor bill Congress ever passed.

The PRESIDING OFFICER. The Chair will advise the Senator from Ohio that his time on the amendment has expired.

Mr. TAFT. I will take time on the bill.

As I have said that provision was inserted in the Smith-Connally Act and we put it in the Case bill in the only place where there was any danger that it might be assumed that Federal action would be taken against any person.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. AIKEN. Is it not a fact that where injunctions appear to be warranted there has been very little difficulty in obtaining them in the State courts. I noticed recently an injunction was issued by a court in Michigan against the teamsters' union, which tried to force certain shopkeepers into the union, and injunctions have recently been issued, I believe, in Illinois, Pennsylvania, and in a number of other States.

Mr. TAFT. I think if we provided a permanent law, as I suggested, to go into effect on the adoption of a joint resolution by Congress that probably would include the Federal injunction procedure. I think it might be wanted in the case of officers and people who are participating in a strike, people who are picketing or anything of that kind. I am imagining a bill that is, in effect, a bill against revolution, if you please. It seems to me that is the only justification for this kind of a bill, I care not what it may be called. Unless it is left finally to the decision of the Congress as to whether such an emergency has arisen, I am going to vote against the bill; but I think the bill could be improved. It need not be quite so radical as it is today.

In section 6 someone thought of the general remedy of taking away seniority rights from men. I do not know whether that can be done constitutionally. I do not think it can.

Furthermore, of course, the punishment does not fit the crime, because in the case of the older man it is a severe penalty, while in the case of the younger man it is no penalty at all, and the younger man may be far more active in the strike than the older man. It seems to me an unfair penalty thrown in as a punitive provision.

Section 7 has already been removed from the bill.

Section 9, by giving the Government the power of operation, makes the whole business look far more like real Government operation. In effect, what the bill provides is that when the Government takes a business over it means business. It is not formal any longer; the Government is going to take over the plant and run it. It emphasizes the fact certainly that we are putting into the hands of the President power really to take over the operation of industries in the United States.

When the Smith-Connally Act was passed seizure was a very doubtful matter. Many people felt that seizure was not a good remedy. Labor people may want a plant seized. They may welcome national operation, and think it is a step toward nationalization of a particular industry. There may be conditions under which an employer may want seizure.

Seizure does not seem to me to be the proper method of dealing with any ordinary labor dispute. The only excuse for seizure is in a case where the functioning of the business has broken down, and the Government itself must undertake the operation. Of course, in order to do so it has to have possession of the property. Whether any compensation is provided I do not think makes any difference, under those circumstances. The Government is in effect, as I have said, acting as it acts in time of war. But I think that, whatever powers are granted, it is extremely unwise to grant them without Congress determining whether they shall

be used. We know enough about the action of a President to know what may happen if by the stroke of a pen he may put a law into operation. He is subjected to every kind of pressure. He does not have to pay any attention to public opinion. There is pressure on him from people who are inconvenienced. The power exists, and for some reason we think that when power exists it should be used; it is supposed to be used.

If we put this proposal into effect it will become a method of settling every strike in the United States, and it should be only for the settlement of a general strike, which is in effect a revolution. If strikes go so far as to threaten the starvation of people, or to endanger their health and their security we are in effect in war, and only Government operation can possibly deal with such a situation.

Mr. President, in conclusion I wish to say that Congress has worked out in the Case bill a reasonable approach to the problem, a strengthening of the whole collective-bargaining-agreement principle, and removal of three or four respects in which court decisions have given labor leaders power far beyond what is fair or just. This power led unreasonable leaders unreasonably to abuse the powers they had—not most of them, but some of them. The Case bill proceeds on the theory that the situation must be somewhat redressed so that there shall be equal bargaining power in the employer and the employee. The proposal then outlines the exact manner in which we expect collective bargaining to be carried through, which should strengthen the process of collective bargaining.

In this Truman measure we are dealing with something that is entirely different. something which should be entirely apart from the labor problem, something which should be an emergency measure, which should be called into effect only when the people of the United States themselves say, "Now the time has come when these labor leaders, or these employers, are defying the people of the United States, and are subjecting them to intolerable hardships."

Mr. HAYDEN. Mr. President, the Senator from Ohio has suggested that Congress enact a general statute providing for procedure to be followed in the event of a general strike or other widespread labor dispute which is disastrous to the public welfare.

I have obtained from the Library of Congress a translation of the decree of the French Government adopted on October 12, 1910, which is based upon that same principle, except that instead of a law being passed which would go into effect on the enactment of a joint resolution by Congress, the French Government was empowered to make the law effective by decree.

The text is short, and I shall read it to the Senate. It is signed by the Minister of War, and states:

In pursuance of the law of December 28, 1888, and the provisions of the decree of December 8, 1909, amended on July 16, 1910, the personnel of the fourth region of provincial railways and of subsidiary lines as well as the personnel of the ninth region, and that of the division of track of the eighth region are called up for a period of 21 days beginning October 14, 1910.

That is, the railway workers were called into military service.

The supervisors and their assistants of the said lines must obey the conditions carried in this call and the individual orders addressed to them for this period.

They will continue to assure normal service on the railway network to which they belong, according to the orders which they will receive from their immediate superiors, and under the conditions fixed by the aforesaid decree and the ministerial instructions of December 10, 1909, as amended July 16, 1910.

Another occasion arose where a like situation was met, not by calling the men into the military service, but by directing them to stand by at attention. I read the text of that decree, which was signed by the President of the French Republic November 28, 1938, as follows:

On the recommendation of the President of the Council, Minister of National Defense, and of War.

In view of articles 1, 2, 5, 29, 56, and 58 of the law of July 3, 1877, amended by the law of January 21, 1935;

In view of the decree of June 6, 1936, relating to the exercise of the right of requisition;

In view of article 2 of the decree of November 5, 1870;

Decrees:

ARTICLE 1. The following are hereby requisitioned:

1. All agents and workers on public services of the state, the departments, and communes;

2. All personnel of services under concession from the state, departments, and communes.

A justification for this decree was contained in a report by the Council of Ministers to the President, which I shall also place in the RECORD. The important paragraphs are these:

By his acceptance of the employment which has been granted him, the worker becomes subject to all the obligations growing out of the necessities of the public service, and gives up all powers incompatible with a continuity essential to the national life.

By going on strike, agents in charge of public service not only commit an individual offense, they put themselves, by their collective act, outside the scope of the law and regulations, drawn up to guarantee the exercise of the rights which apply to them in regard to the area of public power.

* * * * *

The Government is convinced of the devotion to our institutions of the great majority of those who, in whatever capacity, work together in the functioning of the public services. It must, nevertheless, recall to those who would be tempted to forget it, their duties and obligations to the Nation as a whole, and indicate at the same time its considered determination not to permit any failure, any faltering at a time when the fate of the national regime is at stake.

The French way of going at it was to pass a law, and let the law go into effect by a decree of the Government. The Senator from Ohio suggests that we pass such a law and let it go into effect by joint resolution of the Congress.

Mr. TAFT. Yes.

Mr. HAYDEN. In Great Britain there was a general strike, to which the Senator has referred, and the British adopted a statute which was permanent law. I understand it has recently been repealed by the British Parliament on the theory that no labor organization in Great Britain would ever again be foolish enough to engage in a general strike. But this is an interesting statute, pertinent parts of which I should like to read to the Senate. It is the Trade Disputes and Trades Union Act of 1927, and provides:

1. It is hereby declared—

(a) that any strike is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and

(ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(b) that any lock-out is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking-out are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or nonemployment or the terms of the employment, or with the conditions of labor, of persons in that trade or industry; and

(b) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with the conclusions of the same joint industrial council, conciliation board, or other similar body, or in accordance with agreements made with the same employer or group of employers.

Mr. TAFT. I may say that that bill has never been used since it was enacted, and is now repealed. Of course, it grew out of the general strike in England.

Mr. HAYDEN. It was on the statute books from 1927 to 1945, and there were no general strikes in England during that period.

Mr. TAFT. That is true.

Mr. HAYDEN. I shall read section 2, and then ask to have the whole excerpt printed in the RECORD.

2. If any person declares, instigates, incites others to take part in or otherwise act in furtherance of a strike or lock-out, declared by this act to be illegal, he shall be liable on summary conviction to a fine not exceeding 10 pounds or to imprisonment for a term not exceeding 3 months, or on conviction on indictment to imprisonment for a term not exceeding 2 years.

Provided, That no person shall be deemed to have committed an offense under this section or at common law by reason only of his having ceased to work or refused to continue to work or to accept employment.

Mr. TAFT. We took those words out of that act and wrote them into the Smith-Connally Act. But they have not as yet been put into this measure. This measure goes further in that respect than did the British act.

Mr. HAYDEN. I thought it proper that these documents be placed in the RECORD at this time because they show that other nations have had similar experiences with labor disputes which affected the welfare of the entire country.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MILLIKIN. I just wanted to suggest to the distinguished Senator from Arizona that according to my memory that law of France to which the Senator referred was either used or its use was threatened, and that that was one of the greatest causes of the bitterness that went into the hearts of French workmen; that it was a distinct contribution toward the disunity of France which, because of that and other factors, became so accentuated that when the French Government came under its greatest challenge it was unable to meet it and succumbed to ready defeat by a foreign enemy.

Mr. HAYDEN. A general strike and any act of a government to defeat it are bound to create discord. But if such a situation arises in any country, whether it be France, England, or the United States, that the very life of the nation is at stake in that its transportation and other industries are so interrupted that it is impossible for people to obtain food and to carry on the ordinary affairs of life, then drastic action must be undertaken.

There has never been a general strike that was successful. One was once tried in San Francisco and it lasted until the babies failed to get milk. Then the people of San Francisco rose en masse and the strike had to come to an end. Any such strike is bound to come to the same result because no people in any country can allow any group to tie up its very life, and that is exactly what happens in the case of a general strike. Anyone who advocates a general strike to secure the adjustment of grievances is in effect promoting a revolution against his Government. The only justification for such action is the successful turning over of the Government and placing its control in the hands of somebody else. A government cannot live if its powers to assure that the people may have food are impaired. How desperate the remedy must be depends entirely on how desperate the case is. But the power to carry out that kind of a remedy undoubtedly exists in our Government as it did in the British Government or the French Government.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MILLIKIN. I would not for a moment challenge the thesis of the Senator that our powers are equal to any emergency and that whatever power is necessary must be used and should be tailored to the emergency. My objection to this bill is that we are trying to authorize the most extravagant and unprecedented powers before we have used normal powers which are already at hand and which could be strengthened if that might be thought necessary.

Mr. HAYDEN. Mr. President, I ask that the excerpts from laws to which I have referred and from which I read be printed at this point in the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[Translation]

(Journal Officiel de la République Française, October 13, 1910, p. 8426, col. 2)

DECREE OF THE MINISTER OF WAR CALLING UP RAILROAD WORKERS ON THE STATE AND SURROUNDING LINES OF THE FOURTH REGION, OF THE NINTH REGION, AND PART OF THE EIGHTH REGION

In pursuance of the law of December 28, 1888, and the provisions of the decree of December 8, 1909, amended on July 16, 1910, the personnel of the fourth region of provincial railways and of subsidiary lines as well as the personnel of the ninth region, and that of the division of track of the eighth region are called up for a period of 21 days beginning October 14, 1910.

The supervisors and their assistants of the said lines must obey the conditions carried in this call and the individual orders addressed to them for this period.

They will continue to assure normal service on the railway network to which they belong, according to the orders which they will receive from their immediate superiors, and under the conditions fixed by the aforesaid decree and the ministerial instructions of December 10, 1909, as amended July 16, 1910.

BRUN,
Minister of War.

PARIS, *October 12, 1910.*

[Translation]

(Journal Officiel de la République Française, November 1938, p. 13423)

The PRESIDENT OF THE FRENCH REPUBLIC:

On the recommendation of the President of the Council, Minister of National Defense and of War;

In view of articles 1, 2, 5, 19, 56, and 58 of the law of July 3, 1877, amended by the law of January 21, 1935;

In view of the decree of June 6, 1936, relating to the exercise of the right of requisition;

In view of article 2 of the decree of November 5, 1870;

Decrees:

ARTICLE 1. The following are hereby requisitioned:

(1) All agents and workers on public services of the state, the departments, and communes.

(2) All personnel of services under concession from the state, departments, and communes.

ART. 2. The present requisition will be effective according to circumstances, whether by collective notification by poster, under the conditions set out in article 132 of the administrative rules published on August 2, 1877, amended by the decree of August 2, 1914, or by individual notification.

ART. 3. The President of the Council, Minister of National Defense and of War, is charged with execution of the present decree, which shall take effect immediately, and is applicable in Algeria.

Done at Paris, November 28, 1938.

ALBERT LEBRUN,
President of the Republic.
EDOUARD DALADIER,
President of the Council, Minister of National Defense and of War.

[Translation]

(Journal Officiel de la République Française, November 1938, p. 13422)

Report to the President of the French Republic. Paris, November 28, 1938.

Mr. President, a vicious propaganda, of which the Government is not ignorant either of the hidden purpose, or the inspiration, is going around, setting itself up against the laws of the Republic, in order to create through the country a state of agitation which threatens not only to imperil the public order but to affect, in the most dangerous way, the foreign relations of France.

The Government, which will not fail to insist on each of its rights under the law, and which will not shrink from any of its obligations to the Republic, will know how to take all necessary steps to meet any eventuality. In any state of the case, it should not permit any disturbance, from any source whatever, of the normal functioning of the public services which assure the essential needs of the nation.

It is not necessary to take special measures respecting those workers who are at present exclusively under the state or local units in the exercise of their duties. The law prohibits, under sanctions set out in article 123 ff. of the penal code, any coalition and any concerted stoppage of labor. On the other hand it has been decided by the Council of State that "a strike, when it results from a concerted refusal of service among employees, is illegal, even if it could not be curbed by application of the criminal law.

"By his acceptance of the employment which has been granted him, the worker becomes subject to all the obligations growing out of the necessities of the public service, and gives up all powers incompatible with a continuity essential to the national life.

"By going on strike, agents in charge of public service not only commit an individual offense, they put themselves, by their collective act, outside the scope of the law and regulations, drawn up to guarantee the exercise of the rights which apply to them in regard to the area of public power. Their dismissal, in such case, is merely a demonstration of the fact that they are themselves excluded from the public service, and the administration, compelled to take emergency measures and proceed to immediate replacements, can pronounce their dismissal without being required (in spite of the generality of the provisions of article 65 of the law of April 22, 1905) to permit the interstate parties even to consult their work records [dossiers].

The fact that the workers who have participated in a strike have resumed service before receiving notification of dismissal, would not necessarily be regarded as implying a willingness on the part of the administration to restore them to duty * * *."

So far as concerns the personnel of the public services and of concessions, which are not within the meaning of public duty, the interests of national defense, which the agitation above noted could in these circumstances, imperil, demands a measure of general protection of the services. The Government has decided to utilize in this respect the powers of the law of 1877 concerning military requisition, so for requisition of persons and services. This law has been rendered applicable, beyond the case of a mobilization, when circumstances demand, by the law of January 21, 1935. The time when such application can begin must be determined by decree of the council of ministers. This decree was made on June 6, 1936, under the government then in power. It is permanently in force, and has been applied, since, on numerous occasions. The legality of the requisitions effected by virtue of these proceedings cannot be doubted.

Because of the importance of the general measure which is envisaged, it has seemed desirable to accomplish it by decree citing the provisions of the amended law of 1877 concerning requisition of persons and services. This decree contains the statement of immediate execution authorized by article 2 of the decree of November 5, 1870, the requisition will take effect at the instant of promulgation. * *

The Government is convinced of the devotion to our institutions of the great majority of those who, in whatever capacity, work together in the functioning of the public services. It must, nevertheless, recall to those who would be tempted to forget it, their duties and obligations to the Nation as a whole, and indicate at the same time its considered determination not to permit any failure, any faltering at a time when the fate of the national regime is at stake.

(Excerpt from trade-union documents compiled and edited with an introduction by Walter Milne-Bailey, secretary of the research and economic department of the Trades Union Congress)

ILLEGAL STRIKES

(Trade Disputes and Trades Union Act, 1927; 17 and 18 George V, ch. 22)

(1) It is hereby declared:

(a) that any strike is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(b) that any lock-out is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking-out are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community;

and it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or nonemployment or the terms of the employment, or with the conditions of labor, of persons in that trade or industry; and

(b) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with the conclusions of the same joint industrial council, conciliation board or other similar body, or in accordance with agreements made with the same employer or group of employers.

2. If any person declares, instigates, incites others to take part in or otherwise acts in furtherance of a strike or lock-out, declared by this act to be illegal, he shall be liable on summary conviction to a fine not exceeding 10 pounds or to imprisonment for a term not exceeding 3 months, or on conviction on indictment to imprisonment for a term not exceeding 2 years: *Provided*, That no person shall be deemed to have committed an offense under this section or at common law by reason only of his having ceased to work or refused to continue to work or to accept employment.

(3) Where any person is charged before any court with an offense under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the safe custody of the person charged, but this subsection shall not apply to Scotland, or to any prosecution instituted by or on behalf of the Director of Public Prosecutions.

(4) The provisions of the Trade Disputes Act, 1906, shall not, nor shall the second proviso to subsection (1) of section two of the Emergency Powers Act, 1920, apply to any act done in contemplation or furtherance of a strike or lock-out which is by this act declared to be illegal, and any such act shall not be deemed for the purposes of any enactment to be done in contemplation or furtherance of the trade dispute;

Provided that no person shall be deemed to have committed an offence under any regulations made under the Emergency Powers Act 1920, by reason of his having ceased work or having refused to continue to work or to accept employment.

* * * * *

8. (2) (c) A strike or lock-out shall not be deemed to be calculated to coerce the Government unless such coercion ought reasonably to be expected as a consequence thereof.

Mr. BARKLEY. Mr. President, I think there are only two committee amendments left. Both of them are technical and routine. As I recall, on page 5 the word "lock-out" is eliminated because it is not necessary, because a lock-out is only brought about by an employer and not by the employees. So the committee struck out the word "lock-out." I should like to have that amendment passed upon.

The PRESIDING OFFICER. The question is on the committee amendment on page 5, line 2, to strike out the word "lock-out."

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I ask that the committee amendment on page 7 be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7 in section 10, line 10, after the word "provisions," it is proposed to strike out "and amendments."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next committee amendment was on page 7, in section 10, line 10, after the word "effective," to insert "or on June 30, 1947, whichever first occurs."

Mr. BARKLEY. This amendment is designed to limit the operation of this act to June 30, 1947, or to earlier limitation if the President by proclamation or Congress by concurrent resolution should take such action, but in no event does the act continue in effect beyond June 30, 1947.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. If the act is to be merely temporary, why would it not be better to make the time as short as possible, and make the date February 1, 1947, assuming that Congress will return to take up its work in January.

Mr. BARKLEY. Of course it seems to me that in view of the emergency we are in—we are still in a state of war—and in view of the fact that under the Selective Service Act the power to take over plants extends until 6 months after the end of hostilities, as proclaimed by the President, that fixing the date February 1 would be illogical. The bill first provided that its provisions should cease to be effective 6 months after the end of hostilities, as hostilities might be ended by proclamation of the President or by concurrent resolution. The committee amendment simply provides that regardless of that it shall not go beyond June 30, 1947. That is practically a year. Under the conditions it seems to me that if we are going to pass this legislation it ought to be effective for a year.

Mr. BUCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BUCK. Is the proposed law predicated for its operation solely upon the extension of the Selective Service Act?

Mr. BARKLEY. Not necessarily. The power to take over plants is contained in the Smith-Connally Act, known as the Labor Disputes Act.

Mr. BUCK. That applies to everything but the railroads.

Mr. BARKLEY. Everything but the railroads, and probably communications, which are taken care of in another act.

Mr. BUCK. As I understand, if this bill becomes a law it will be operative even though the Selective Service Act is not extended.

Mr. BARKLEY. If section 9 of the Selective Service and Training Act should fall by reason of failure to extend it, it is questionable whether section 9 of this bill would not fall with it, although section 9 of the Selective Training and Service Act is contained in the Connally Act by reference.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 7, line 10.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BARKLEY. Mr. President, I wish to call attention to a question which has arisen over the language of section 4, subsection (a), on page 3. That subsection reads as follows:

(a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

The question has been raised whether the language in lines 12, 13, and 14, reading "and of any person participating in the calling of such strike, lock-out, slow-down, or interruption," would apply to members of a labor organization who voted to bring about a strike. It is not the intention to have it so apply. Therefore I offer an amendment in section 4, on page 3, to strike out the language in line 12, after the word "interruption," all of line 13, down to and including the word "interruption" in line 14, and to insert in line 9, after the word "officers," the words "or agents," and in line 11, after the word "officers," to insert the words "or agents," so as to read:

(a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer con-

ducting or permitting such lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Then the subsection would not apply to the men who had voted in favor of a strike. It would apply to the officers or agents.

I offer the amendment to section 4.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. TAFT. Mr. President, while we are on that subject, would the Senator object to the amendment to which I have referred, relating to both sections 4 and 5, to be inserted on page 4, after line 23? It reads:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The distinguished Senator from Arizona [Mr. HAYDEN] has shown that that provision was in the British general strike act. It is in the Smith-Connally Act. It is in the Case bill; and it seems to me that it should be in this bill.

Mr. BARKLEY. I would have no objection if it applied to section 4. With respect to section 5, I should like to think it over for a few minutes.

Mr. TAFT. If the Senator will consider it, I will withhold suggesting the amendment.

Mr. BARKLEY. I should like to think over its applicability to section 5.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. EASTLAND. I should like to ask the Senator if his amendment strikes out lines 13, 14, 15, and 16 on page 3.

Mr. BARKLEY. No. It strikes out a part of line 12, all of line 13, and down to and including the word "interruption" in line 14. It strikes out this language:

And of any person participating in the calling of such strike, lock-out, slow-down, or interruption.

The purpose of the amendment is to get away from the fear entertained by some Senators and others that if a strike vote were taken under the provisions of any law, or in the course of negotiations, the subsection would apply to such vote. It is not the purpose to make it apply to a vote, which is usually taken in secret, as to whether a strike should be authorized.

Mr. EASTLAND. However, the leadership of the union is still obligated to comply with the provisions of the subsection, is it not?

Mr. BARKLEY. Absolutely. It would still apply to the officers and agents of the union, and the officers and agents of the corporation, or the employer, whoever they may be.

Mr. EASTLAND. I thank the Senator.

Mr. BARKLEY. Mr. President, for the moment those are all the amendments I have. I wish to say to Senators that I am in the process of working out an amendment in regard to section 9, which I am not quite ready to offer. I ask that any other amendments which may be offered with respect to other portions of the bill be now proceeded with. As soon as I have the amendment with respect to section 9 ready, I shall offer it.

Mr. TAFT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On page 2, it is proposed to strike out section 2, and insert in lieu thereof the following:

SEC. 2. Whenever the United States has taken possession under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any public utilities, transportation facilities operating in interstate or foreign commerce, steel mills, facilities for the production or refining of oil, or coal mines, constituting a substantial part of the industry concerned, and in the event further that a strike, lock-out, slow-down, or other interruption occurs or continues therein after such seizure, then if the President determines that such interruption if continued will seriously endanger the public health or security and the maintenance of the national economy, the President may by proclamation declare a national emergency relative to such interruption of operations.

Mr. TAFT. Mr. President, the purpose of this amendment is to cut down the scope of the possible action by the President. Under the existing law, including the Smith-Connally Act, all plants, mines, or facilities constituting a vital or substantial part of an essential industry are covered. Under the Smith-Connally Act, any facility equipped for the manufacture, production, or mining of any articles or materials is covered. In other words, the law is wide open. It covers every one of some 250,000 manufacturing plants in the United States. The purpose of this amendment is to restrict the application, first, to railroads, second, to public utilities, and third, to transportation facilities in interstate and foreign commerce, facilities for the production or refining of oil, coal mines, and steel mills.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Georgia.

Mr. GEORGE. Would the Senator's amendment restrict and limit the Smith-Connally Act?

Mr. TAFT. No; it would not limit the Smith-Connally Act, because the Smith-Connally Act would not be amended. Under the Smith-Connally Act the President could still seize plants, mines, and facilities necessary for war production.

Section 2 provides the procedures to be followed if there is a strike following the seizure of the plant or facilities. This is the condition on which the proclamation may be issued, upon which all the other procedures in the Act are based.

Mr. GEORGE. Then it is not the purpose of the Senator's amendment to amend, limit, or restrict the Smith-Connally Act?

Mr. TAFT. No. I may say that the draftsmanship of the bill is very poor. If we are to have this kind of a law, we ought to spell out the whole story and say what may be seized. It is based on the Smith-Connally Act, which was a war act. So far as the operation of the proposed act is concerned, my amendment proposes to apply it to transportation facilities, public facilities, coal, oil, and steel. They are the only industries in which there is Nation-wide bargaining, and in which the monopoly is such that they can all be tied up at once, with a serious effect on the public. I feel that if there is to be such a law, there should be such a limitation as I have proposed.

Mr. ELLENDER. Mr. President, before the pending measure is further emasculated, I should like to read a letter which I dictated on May 29th in reply to many communications which I have received from my constituents in reference to the pending labor troubles:

WASHINGTON, D. C., *May 29, 1946.*

DEAR SIR: I have your recent communication regarding the management-labor disputes now plaguing the country.

If by strikes or otherwise our way of life is seriously threatened, I believe that swift and effective means should be employed to avert calamity and to protect the interests of the American people.

Last Saturday our Government was almost helpless in its efforts to restore essential transportation and make fuel available for industry, all of which was brought about by railroad and coal strikes. Industry and our economic activity were almost at a standstill. The normal distribution channels of food and medicines and other indispensable supplies were being slowly choked off. On that day, the President requested the Congress to enact urgent legislation empowering him to adequately deal with such an emergency and to protect the health, welfare, and the very life of the American people. The suggested legislation was promptly passed by the House and sent to the Senate, where it is now being debated.

I wish to make it clear that I am supporting the President's proposals without qualification and without reservation. He must be sustained, lest the power of a few labor leaders will become paramount to Government itself and nothing short of anarchy will follow.

The bill embodying the President's recommendations declares it to be the policy of the United States Government to settle by mediation and conciliation any labor dispute interrupting, or threatening to interrupt, the operations of industries essential to our national economic structure. Should that method fail to bring the dispute to a satisfactory conclusion, as was the case in both the coal strike and the railway strike, the Government will seize the plant, mine or facility involved and operate it under existing laws. If the strike or other interruption does occur after Government seizure, or continues after seizure, the President would then issue a proclamation declaring the existence of a national emergency. The proclamation would call upon all employees and officers and executives of the employer to return to work prior to a stated time and to do all in their power to restore full operation of the affected plant as quickly as possible. The proclamation would also establish fair and just wages and other terms and conditions of employment.

After the effective date of the President's proclamation, continuation of the strike or further interruption with operations in any way would be unlawful, and any person in violation would be subject to fine and/or imprisonment.

Under the bill the executive department is also empowered to petition any United States district court for injunctive relief to secure

compliance with the proclamation method of settlement.

The bill also provides that any person who refuses to return to work in compliance with the President's order shall be denied seniority.

All of this is done by the President in order to maintain our economy, prevent interruption in essential industries, and to protect the American people.

If all of these efforts toward settlement should be made by the President and result in failure—i. e., if the strike continues and the men still refuse to work for the Government in violation of the law—then and only then is the President authorized to induct strikers into the Army of the United States.

I agree that the power sought to be granted the President is astonishingly great—even fearful to contemplate—but what else can be done if a group of citizens endanger this country by persisting in a strike against the Government and continuing to violate the law of the land in such a manner that their actions imperil the national interest? If we can enact laws to seize private property and draft millions into our armed forces for the protection of our way of life against foreign enemies, is it not equally right and just that we should employ the same powers when our way of life and form of government are threatened at home by the acts of irresponsible labor leaders?

I realize that the grant of power asked by the President is dangerously broad, that it approaches totalitarian methods, but I am willing to grant it if such a power is necessary to effectively combat the efforts towards totalitarianism by certain of these insolent labor leaders themselves. Certainly the methods those few leaders have been using recently are a far cry from the democratic process. They have brought about these national crises in complete and arrogant defiance of their own Government, and in absolute disregard for the welfare of their countrymen. Until such a time as the Congress can revise the national labor policy into an instrument which can be used to prevent such crippling stoppages in essential industries, then I believe we must have ready such a weapon for our defense as the President suggested Saturday.

Bear in mind that the proposal is not permanent legislation but shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President, or upon the date of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions shall cease to be effective, or on June 3, 1947, whichever first occurs.

Also bear in mind that this legislation will not empower the President to arbitrarily induct any worker into the armed forces. That power is to be exercised as a last and compelling resort, after all other means have failed and when that power alone can preserve the national interest. I hope that the President will never find it necessary to use the power, but I believe that in the present situation such a power is necessary, that it is just, and I am firmly in favor of granting it.

Sincerely yours,

ALLEN J. ELLENDER,
United States Senator.

P. S.—Since dictating the above, I am sorry to advise that the Senate tonight voted to strike from the bill the section giving the President power to draft employers and employees, as you have probably noted from press reports. Only 13 Senators stood by the President on that issue, and I am glad to say that I was one of them.

A. J. E.

The PRESIDING OFFICER (Mr. DOWNEY in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] in the nature of a substitute for section 2 of the bill.

Mr. BARKLEY. Mr. President, I realize how difficult it is, in writing any statute of this kind, to limit its operations by name to certain facilities or plants or certain kinds of work.

In the consideration of the Case bill, which was passed the other night, I think consideration was given to the problem of trying to spell out what it might apply to, in connection with the amendment offered by the Senator from Illinois [Mr. LUCAS]. As I recall, although I was not in on the conferences and did not participate in framing the amendments, and I did not vote for any of them, I understand that in the effort to try to do that, everyone recognized that in naming four or five occupations or industries or facilities, there is always the risk of leaving out something which should be included. I care not who might be the President of the United States in the event such a situation as has been mentioned should arise, the statute would be merely temporary anyway, and unless the Congress extended it, would not be effective beyond June 30, 1947. We all hope that by then the situation will be such that no excuse may be offered for extending the effectiveness of the act. But, Mr. President, I am sure that no President would exercise his authority to seize property unless he found it necessary to do so as a last resort. It is entirely conceivable that some industries of a Nation-wide character might be brought to a complete halt in their operation, and not be of the nature of those included in public utilities, and business engaged in interstate commerce, such as coal mines, refineries, steamships, and so forth. I presume that the Senator from Ohio intended to include in the meaning of the words "public utilities," any kind of a public utility, whether a steamship facility, or not.

Mr. TAFT. The language is "transportation facilities operating in interstate or foreign commerce," which would include shipping, a maritime strike, railroads, airplanes, and, if necessary, busses.

Mr. BARKLEY. I interpret the words "transportation facilities operating in interstate or foreign commerce" to include all of them. The Senator's amendment does not include communications which are not a transportation facility. It does not include any kind of telegraph or telephone facilities. We all know about the serious problem with which the country was confronted only a few months ago with reference to a threatened tie-up of all interstate telephone communications.

Mr. TAFT. It seems to me that the words "public utilities" clearly cover telephone and telegraph companies. They have always been included, so far as any definition is concerned about which I have ever heard.

Mr. BARKLEY. That, of course, is questionable. It seems to me that the employees in the packing industries of the United States might bring about a shut-down of the packing plants and thereby endanger the health of the country. I think that situation is just as possible as it is with reference to other industries.

Mr. TAFT. Of course, that matter was not overlooked during the consideration of the Lucas amendment. The difficulty is that if we go into the question of food plants we must add thousands of possible seizures. The food industry is not concentrated. The OPA has practically cut off meat from the public, and we have not yet abolished the OPA. The food industry, as I have already said, is not concentrated. It seems to me to be impossible, by any means, for any labor action or strike seriously to interfere with the food of the American people.

Mr. BARKLEY. I presume that the Senator was not serious in his reference to the OPA as having cut off all the meat production in the country.

Mr. TAFT. The remark was intended to be somewhat facetious, but, nevertheless, we have practically no butter today.

Mr. BARKLEY. Whatever may have been the Senator's intention, the remark was perhaps sub rosa and premature. It only illustrates the difficulty of trying to spell out four or five activities which might come within the words "transportation facilities operating in interstate or foreign commerce." No one would expect any President, whatever his political affiliation, to take over all the railroads or all the coal mines or all the oil refineries of the country, unless he and the country were being confronted with a dire emergency which would justify the President in taking such action. I believe it would be unwise to try to spell out all the activities which the President should be empowered to take over and operate during an emergency. I hope the amendment will not be agreed to.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to invite attention of the Senator to the fact that in the study which was made originally of the amendment the words "meat-processing plants" were included and subsequently stricken out. The committee endeavored to reach the over-all picture by spelling out the various industries which would be included.

In order that we might not miss some vital industry the operation of which might affect the economy of the Nation, we sent an expert to the Brookings Institution. Five men there studied for several hours in trying to spell out what the committee was trying to do through this amendment, and they reported that it was impossible to spell out those industries and at the same time accomplish what the committee was endeavoring to accomplish. They believed that the statement as to the activities to be covered should be left in the form it now is.

Mr. President, I believe the amendment should be defeated. I can see no good purpose in trying to spell out the various industries which are located throughout the country. Let us take, for example, the tug-boat strike which involved only approximately 4,500 employees. That strike contained implications of involving the health and security of the entire city of New York.

Mr. BARKLEY. It not only involved New York City, but many parts of the hinterland, because of the threatened stoppage of the operation of ships in bringing in and taking out the commerce of the people of the United States.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Does not the Senator believe that it is much more important at the present time for Congress to bend its efforts toward restraining certain labor leaders, who have been vested with tremendous power, from forcing our Nation into a crisis, the effect of which would be disastrous to the Nation as a whole, than to hamstring the President of the United States in the exercise of the authority which we should give to him?

Mr. BARKLEY. I think it is more important that the President be authorized to exercise, during the period of a national crisis, the suggested authority than it is to attempt to spell out what he shall be empowered to do, and thereby leave the handling of other matters entirely beyond his power. I believe that any President who is empowered to exercise this authority would exercise it with restraint. He would not exercise such power until he believed in his own heart, at least, that he had exhausted all other remedies.

Mr. OVERTON. I agree with the Senator. It seems to me that many persons are more afraid of the President of the United States than they are of certain labor leaders who now exercise more power than any President ever exercised.

Mr. BARKLEY. Of course, the question is whether we shall wisely give to the President such power as will be necessary in protecting the public against any emergencies which may arise.

Mr. VANDENBERG. Mr. President, regardless of the portion of the amendment which deals with identifications, I ask the Senator whether, at the end of section 2, he does not believe that the expression "vitally necessary to the maintenance of the national economy," is very broad and very vague, and that it could be used to cover almost any circumstance? Would not the Senator feel that it would at least be wise to add at that point the words which I notice he has constantly used in his discussion of the matter, "necessary for the maintenace of the public health and safety and the national economy?"

Mr. BARKLEY. Does the Senator suggest that such an amendment be made in section 2 of the bill?

Mr. VANDENBERG. Yes. It is a part of the pending amendment and I am asking the Senator if he does not agree that at least that portion of the amendment ought to be adopted?

Mr. BARKLEY. I would have no objection to that language being incorporated in section 2.

Mr. VANDENBERG. Then, if the pending amendment is not adopted, I assume the Senator would not object to such an amendment?

Mr. BARKLEY. No; I would not object to the insertion of that language, but I hope the pending amendment, limiting the operation of this section to four or five fields, will not be agreed to.

Mr. BALL. Mr. President, I think the fear that we might by spelling out the industries to which it applies leave out something which might conceivably cause a shut-down and endanger the national health and security is extremely remote. After all this bill as amended by the committee would expire in 1 year, and the pending amendment offered by the Senator from Ohio covers all public utilities, all forms of transportation, and steel, coal, and oil.

Mr. President, those are the only industries in which industry-wide bargaining prevails, and with it the possibility within the next year of a shut-down of the total supply of those basic commodities or services to the Nation. Those are the only industries in connection with which a shut-down or a labor dispute leading to a shut-down could vitally affect the public health or security or the maintenance of the national economy, which is also one of the findings the President must make before he issues his proclamation.

So, I think the fear is largely groundless that we may leave out some vital little industry. I do not know what it could be, and no Senator has specified. The Senator from Illinois mentioned the tugboat strike in New York. That, however, is certainly covered by the word "transportation," and communications are certainly public utilities. So I think we have covered everything.

Mr. President, as I read this bill, under it a President could destroy any business enterprise he took over; he could destroy any labor union that struck against the Government. In other words, the Government would become a strike breaker if the union refused to call off a strike. If the men refused to return to work they would lose their reinstatement rights, and if the United States Government should then proceed to advertise for men to take their jobs in the given industry, with all the prestige of the Government, plus the fact that the unions cannot even establish a picket line, it seems to me the way is wide open to destroy the union under this bill. Certainly we all know that the way is wide open to destroy any business enterprise which is taken over under the bill.

These are vast powers, and it seems to me, in granting them to the President, we should at least put the industries we intend to cover and to which the powers are to apply on notice that, unless the employees and employers in these industries settle their disputes between themselves without coming to a stoppage, the employer runs the risk that his business enterprise may be destroyed, and the union itself may be destroyed by Government action. I think we should hesitate to grant that kind of power and to take that kind of drastic action. I may say that my present intention is to support this bill, with section 7 eliminated and other changes. But I think we have an obligation to put both management and labor in the industry to be affected on notice that they are covered and that is what we do by spelling it out so that it covers public utilities, transportation, coal, oil, and steel, the only basic and vital industries in which there is any danger of a shut-down of the supply of goods or services needed by the Nation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT].

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WHERRY. I ask for the yeas and nays on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The Chair ordered the roll called.

Mr. WHERRY. Have the yeas and nays been ordered?

Mr. BARKLEY. Mr. President, let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, may I ask again, Is this a quorum call?

The PRESIDING OFFICER. It is. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Myers
Andrews	Hawkes	O'Daniel
Austin	Hayden	O'Mahoney
Ball	Hickenlooper	Overton
Barkley	Hill	Pepper
Brewster	Hoey	Radcliffe
Briggs	Huffman	Reed
Brooks	Johnson, Colo.	Revercomb
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Russell
Bushfield	Knowland	Saltonstall
Butler	La Follette	Shipstead
Byrd	Lucas	Smith
Capehart	McCarran	Stewart
Capper	McClellan	Taft
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wiley
Gurney	Murdock	Willis
Hart	Murray	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. WHERRY. Mr. President, at this point in the RECORD I wish to call attention to an editorial written by the editor of the Nebraska News-Press in which referring to the modified Case bill which passed the Senate, went to the House, passed the House, and is now upon the desk of the President, or shortly will be, he quotes the late William Allen White.

I think it is important to bring to the attention of the President and the Senate the views of this editorial writer, who bespeaks the sentiments of the editors generally of the State of Nebraska, and I think of the people generally, relative to their feeling and belief in the Case bill as modified.

I hope the President will sign the Case bill as modified. It is a start on constructive labor legislation which will be

of tremendous help to collective bargaining in the future. This editorial, I believe, sums up the sentiments of the press of Nebraska, of the Nation, and of a great body of loyal American citizens whose faith and allegiance are above question.

As I have said, I hope the President will sign the bill and give us for the first time in years constructive legislation on this subject.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO MUCH POWER

The capacity for keen, selfish minds to organize in this country is a dangerous phenomenon, and such organizing cannot be trusted to such minds except in their own self-interest.

So says William Allen White autobiographically, describing the political chicanery of another day when Senators were elected by dictation from banks, railroads, and other exponents of big business prior to the day when reform changed the method.

Power breeds arrogance and without exception, all down the ages, arrogance has been the father of cruelty.

Any institution of Government which gives great power without responsibility to a few is building up tyranny and oppression, greed and lust for more power at any price.

"This," says White prophetically, "is as true of organized labor as of organized industry and finance. It is true in any field of human endeavor."

The results of power and more power to organized labor, as was the case with great amalgamations of capital in the lush days of trust-building, are evident to all of us in this month of May, 1946.

It is the lust for power and the greed for gain that have induced recent strikes. The right to that power and lust is the result of ill-considered legislation which observing men for a decade declared would hurt not only the general public, now aroused as it has not been for years, but destroy the slowly built-up structure of labor freedom itself.

An inept government should have foreseen what has occurred and will continue to occur until the labor legislation so swiftly put through Congress in the early days of the New Deal is amended to give equality to all classes of citizens.

Under the National Labor Relations Act, conscienceless racketeers have been able to stifle business, tie up transportation by whim, discommode and sadly injure the business affairs of millions of people in every walk of life, and, saddest of all, injure millions of working people who are at this moment, for example, thrown out of employment as a direct consequence of a strike which affects every human activity, regardless of its size.

We would not say without more definite proof that Moscow is dictating the current and most devastating epidemic of labor troubles, the charge made by commentators and columnists all over the country, but the pattern is suspiciously similar to that applied in Russia and later as a Fascist device to gain control of government in Germany.

Certainly the leadership of labor in making inconsiderate demands, acceptance of which means more inflation and a spiral of more price rises and more labor demands ad infinitum, ad nauseam, must defend itself against these charges of subversive influence, because suspicion is strong in the minds of the people that there is something more sinister behind these strikes than a mere demand for better working conditions and higher pay for men who already are among the very best paid workers in the whole world.

As for the people they have lost hope of governmental control. Rapidly, too, they are losing faith in government, in the man who is at the head of the Government, and who, according to yesterday's news dispatches, ate ice cream in a White House garden while the country lay prostrate, business suspended, mills and factories closing, millions added to the rolls of the unemployed. When hope and faith die chaos stands a somber figure just around the corner.

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield for a question?

Mr. WHERRY. I yield.

Mr. AIKEN. The Senator says he considers the Case bill a start toward adequate labor legislation. What is the final objective, what is the ultimate? I notice the Wall Street Journal this morning voices the opinion that the Case bill is a good start toward adequate labor legislation. I received many letters asking me to vote for the Case bill as a start. I did not vote against the Case bill because of any fear that by itself it would be disastrous to organized labor, but I realized that in the minds of certain proponents of the bill it was regarded as a start toward a more far-reaching objective. I wonder if the Senator from Nebraska can tell us what the ultimate objective is if the Case bill is only a start.

Mr. WHERRY. In answer to the inquiry of the distinguished Senator from Vermont, I reply I would go far enough in our labor and management legislation to establish the finest relationship we can possibly obtain between employers, employees, and the public in the future, especially as regards the relations of the public with both of them.

Mr. AIKEN. I thank the Senator from Nebraska. I suppose we should know now exactly what the ultimate objective is.

Mr. FERGUSON. Mr. President, we have before us an amendment proposed to House bill 6578, to strike out section 2 and insert certain language in lieu of that section.

As I stated at the last session of the Senate, I believe the President should receive the support of the Senate and of the Congress in order that he may deal adequately with any emergency which is serious enough to affect the over-all life of the American people.

As I understand the pending bill, and as shown by the able majority leader, it is not what he might desire, and he has proposed certain amendments this morning. The bill was hastily drawn. As I understand, representatives of the Department of Justice went to the White House Friday evening and drafted the bill, and on Saturday, in the afternoon, it was mimeographed and submitted to the Senate. Now it appears that those who drafted the bill desired to state in section 2 what was to be covered; in what cases the bill was to be effective. The bill itself permits no taking over of property by the Government. It refers to certain laws, and particularly to section 9 of the Selective Service Act. An examination of section 9 clearly indicates that it was the purpose of Congress to provide that when the Government of the United States desired war material while we were actually at war it could take over certain plants and facilities in order to manufacture or to compel the manufacture of war goods so that America might survive in the great struggle in which she was then engaged with Nazi Germany and with Japan. It will be found that we then amended that act by the Smith-Connally Act, known as section 9 of the Selective Service Act, and we there provided that the Government might take over certain plants and certain facilities which related to the war effort.

Mr. President, the over-all policy of the United States should be laid down by the Congress of the United States, and I believe that on every occasion the Congress should face its responsibility in that respect and declare what the policy of the United States is, in such a way that the President of the United States will be able to act within certain bounds and, within the boundaries of that policy, act for the benefit and general welfare of the people of the United States. The President of the United States, from whatever party he may have been chosen, should have the policy laid down for him by the Congress. The elected representatives of the people should establish the sphere within which the President may act. Congress should face that responsibility.

All that is required in the pending bill is that the President of the United States issue a proclamation that the supply of goods or services essential to the public health, safety or security is endangered to such an extent as seriously to impair the public interest.

During the war it was declared to be a fair interpretation of section 9 of the Selective Service Act that the President of the United States had power, and the President believed he had the power, to take over Montgomery Ward in Chicago, and he used that power to do so. I am not debating whether that action was right or wrong during those days when we were struggling to save America and the principles on which America is founded, but I say that I believe the Congress of the United States should lay down the scope of the principles and the policies within which the President of the United States should act.

It was stated by the able Senator from Illinois that Senators met and tried to work out his proposal, which contained a similar amendment; and that we tried to designate certain facilities which we believed should be named in the amendment. The Senator said that we called in a man from the Brookings Institution, and that he with other men worked for a period of 5 hours, but was not able to arrive at a determination of what should be inserted in the bill. So far as I have any personal knowledge, that man never reported back to the committee. I think the serious error on the part of the committee was to have called in an economist. We asked him some questions and naturally he wanted to consult with others about them, and he spent 5 hours in deciding where a period should be placed or where a comma should be inserted. The error was in leaving such a matter to an economist, and that we, the representatives of the people, did not ourselves determine the policy. It is our responsibility to establish the policy.

Mr. President, I am ready and willing to vote upon that policy. I believe the policy now proposed by the Senator from Ohio in his amendment, which has had the serious thought of elected Members of the Senate, should be the policy of the United States. If that policy is adopted then we will all feel secure. Business generally will feel secure. The small businessman will feel secure. He will not have to consult his lawyer or his economist to ascertain whether he is covered. I say to Members of the Senate that it is a good thing to put into the statute specific words so that those covered by it may know exactly what the Congress of the United States feels should be the policy of the United States.

Mr. CORDON. Mr. President——

The PRESIDING OFFICER (Mr. McMAHON in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. FERGUSON. I yield.

Mr. CORDON. Does the Senator feel that the Taft amendment, if adopted, would grant any authority to the President to make the seizures of the several types of facilities described in his amendment?

Mr. FERGUSON. It would not permit the seizure of them, but it would provide that the statute we are passing would be effective with respect to the particular properties mentioned in the subsection if they were seized under section 9 of the Selective Service Act.

Mr. CORDON. Is the Senator in agreement with the Senator from Oregon that the authority to seize must be found in the Smith-Connally Act?

Mr. FERGUSON. I agree wholeheartedly with the Senator from Oregon that that is true.

Mr. CORDON. And that the authority there granted was an authority to seize plants and facilities solely for the purpose of forwarding a war effort?

Mr. FERGUSON. I agree wholeheartedly with the able Senator from Oregon that that was the intent, as can be found from an examination of the arguments and from the records, and from a knowledge of the spirit of the Congress of the United States.

Mr. CORDON. So that the whole proceeding, that is, the bill with the amendments which are offered to it, in the last analysis, is an attempt by indirection to use a war power for other purposes, namely, for maintenance of peace and security endangered by internal domestic troubles? Is that a necessary conclusion?

Mr. FERGUSON. I must acknowledge that that is a perfectly logical and proper analysis of the bill. So far as this bill is concerned, the war is over. It is not our intention at the present moment to anticipate war, or to use the proposed law in the fighting of a shooting war. I think the Senator has drawn a fair interpretation.

Mr. CORDON. Has the Senator perhaps indulged, as I have, in speculation as to why a bill of this character should have been drawn, not carrying within its own context the authority to make seizures under conditions of national emergency arising in the domestic field?

Mr. FERGUSON. Not being able to read the minds of the drafters of the bill, but having some knowledge as to how it was drafted on one evening, I should say that it was an attempt by the drafters to adopt the language of the original section 9 and the amendments thereto. No care or attention was given to the question of what this bill intended to do. Section 9 of the original Selective Service Act is mentioned. I do not believe that anyone would contend that the original section related to the seizure of any plants except those used in manufacturing instruments of war. I believe that the bill is an attempt—careless, in my opinion—to cover the thing done in the Smith-Connally Act, and implement that act so far as the present day is concerned.

Mr. CORDON. Is the Senator in agreement with the Senator from Oregon in this respect, that whatever rights of seizure are given under the Smith-Connally Act, they exist in their entirety, and will continue so to exist if the Taft amendment is adopted; but that the Taft amendment would limit the handling of any properties so seized, insofar as the use of the mechanics of this bill is concerned, to public utilities, transportation units, and the other industries mentioned in the Taft amendment?

Mr. FERGUSON. I will answer that question by saying to the able Senator from Oregon that I believe he has given a correct interpretation of this amendment. It is a limitation upon what we did in the Smith-Connally Act. The bill upon which we are now working, if enacted, would operate only upon the Smith-Connally Act seizures. The powers given under the Smith-Connally Act are very broad, and were given for war purposes. If we adopt the pending amendment, the power of seizure will be effective only with respect to those things which we specify in the amendment. That is why I urge upon the Senate as strongly as I can that we adopt this limitation, so that the people may read and know exactly to what this proposed statute relates.

Mr. CORDON. Mr. President, will the Senator yield for a further question?

Mr. FERGUSON. I am glad to yield.

Mr. CORDON. If I correctly understand the Senator, his view is that under the authority of the Smith-Connally Act the President may seize any plant or facility mentioned therein, under the conditions described in the act. It would be a violent assumption of fact to find such conditions; but he may seize any plant described in that act. If the pending bill is enacted, with the Taft amendment, he may not use the mechanics of this bill in the operation of the properties so seized, except under the terms of this act, and with respect to the particular facilities described in this act. As to the other facilities which he might seize, he would have to rely upon the general terms of the Smith-Connally Act.

Mr. FERGUSON. Again I say that I am wholeheartedly in agreement with the analysis which the Senator has stated.

Mr. CORDON. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. I do not care to take the Senator's time, in view of the limitation; but I should like to invite his attention to a case with which he is probably familiar. I refer to the case of *Stewart* v. *Kahn* (11 Wall. 493), in which the Supreme Court long ago said that war power is not limited to victories in the field, but "carries with it inherently the power to guard against the immediate renewal of conflict and to remedy the evils which have arisen from its rise and progress."

In numerous cases the Supreme Court has upheld that doctrine—even as late as the February decision of the late Chief Justice Stone in the Yamashita case. We are still in a state of war. It may be regarded as technical in a sense, but we are in a state of war. The Supreme Court has held that in that situation we may take whatever steps may be necessary to avert a renewal of the fighting in the field, and avoid whatever the consequences may be in the process of transition. So there is nothing merely technical in the power of the President during this emergency, in the process of transition, to take over plants and facilities as provided for in this bill.

Mr. FERGUSON. I am glad that the able Senator from Kentucky has brought this case to our attention. I am familiar with the case. I think it is perfectly good law. I think that what is proposed is one of the things that should be done. That is why I am advocating the amendment to this section, because I believe that Congress itself recognizes that there is a distinction between supplying material for a shooting war and supplying material for a nonshooting war. I am perfectly willing to go along with the President and spell out these over-all programs in plain words, so that he who runs may read, and the people may know exactly what the Congress has in mind.

We took a certain step in the Smith-Connally Act because we were fighting. We are now saying to the President, "You may use the instruments which we gave you in that act, but when we give you further instruments we want you to use them in relation to the existing conditions."

I believe that we ought never to enact a law unless we are perfectly willing that prosecutions may be conducted under it. If there is anything wrong with the Congress of the United States it is that it will not face the responsibility which is upon it to fix the policy of America. The legislative branch has that duty, and the executive branch should act within the field so prescribed. But we will not do that. We enact a law so wide open that a team of horses can be driven through it. Twenty-five lawyers will interpret it in one way, and twenty-five in another way. Then finally, after a long time, it reaches the Supreme Court, and then it is doubtful whether any of the lawyers are correct in their interpretation.

If we will face our responsibility and enact laws which state plainly what we mean, we shall be doing a real service to to the people of the United States. I have had some experience, and I know how difficult it is to interpret laws when they

are left wide open so that no one knows exactly what they mean. That is what is wrong. We are living under a government of laws, and not of men. Let us make the law so specific that it will not be necessary to live under the edicts and decrees of men. Let us live under laws made by the Congress of the United States. Then we can put into application the great principle of equal justice under law.

That is what we need, and that is why I urge upon the Senate that we be specific in this instance, that we say what we mean and mean what we say, and that we back up the President of the United States in the interpretation of this measure fairly and equally to all, because we have been specific.

If I did not think this measure, as now written, after due and mature consideration, covered all the powers which should be given to the President, I would say we should add whatever additional provisions might be needed in order to achieve that end. But whatever we do, let us be specific, so that there will be equal justice under law and so that there will not be occasion or need for decrees and interpretations by governmental bureaus and agencies of the statute we enact. Today, as a result of such actions by governmental agencies, in a great number of cases, no man in America knows what the law is. That is because we in Congress have not faced the responsibility, in writing the law, of saying exactly what we mean, and then standing back of what we mean.

The section which is proposed as a substitute, as amended, provides in part that—

The provisions of any other applicable law, of any public utilities—

That means any State public utility, and anyone can read it and understand it. It does not take the able judges of the Supreme Court to understand what a public utility is—

transportation facilities operating in interstate or foreign commerce—

That means exactly what it says, because the Congress has the constitutional power to regulate interstate or foreign commerce, and therefore we have the duty to provide for facilities operating in interstate or foreign commerce. That is the only jurisdiction we have over commerce—

steel mills, facilities for the production or refining of oil, or coal mines, constituting a substantial part—

There is where we give some discretion—

of the industry concerned—

It is impossible to be more specific than we are there in those words—

and in the event further that a strike, lockout, slow-down or other interruption occurs or continues therein after such seizure, then if the President determines that such interruption if continued will seriously endanger the public health or security and the maintenance of the national economy, the President may by proclamation declare a national emergency relative to such interruption of operations.

Mr. President, what that section will reach is the over-all program where there is monopoly in business and monopoly in labor. When there is monopoly in business and monopoly in labor in connection with such over-all programs, we have strikes and lock-outs and shut-downs. This provision does not represent pleading for either side, but it covers specific industries, an interruption of which will be a detriment to the general welfare.

Let us not make it possible for a Government agency or officer by means of such a threat to take over a small spark-plug plant or a small bakery or a small tool plant. No, Mr. President; let us say, "Here is what we mean, and we mean what we say."

Mr. MOORE. Mr. President, I have consistently urged the adoption of necessary measures that would bring about legal equality as between employees and employers. My position in this respect has been made known on numerous occasions and by statements upon the floor of the Senate. The failure of the New Deal administration, which has directed the destinies of our Government since 1933, to follow a policy of fairness and justice for all citizens under the law, certainly is the direct and moving cause for the calamitous national emergency brought on by the coal and railroad strikes.

I fully appreciate the feeling of panic that pervaded the Nation at the thought of the awful consequences that would necessarily follow a general railroad strike. I think I understand the chilling fear and the frenzied hysteria that gripped the President and his advisers when confronted with the stark reality of complete economic collapse. In this desperate situation, the President sought to avert the impending disaster which had been brought on through the policies pursued by his party since 1933, by making the drastic and unconstitutional proposal of setting up a military dictatorship. Like other governments that have accepted totalitarian philosophies, the Chief Executive's first thought was for more and greater instruments of power.

Mr. President, I voted to strike section 7 from the President's bill because it would create the power to require enforced labor, which is synonymous with slavery. It would have created the power to require involuntary servitude of those never convicted of crime, and it would have denied the equal protection of the Constitution to those who fell within the classification covered by the proposed law. Mr. President, we must always be impressed with the governmental axiom that the Constitution is a law of equality for all the people in war and in peace, and it covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented than that any of the provisions of the Constitution can be suspended during any of the great exigencies of government. As suggested by the Supreme Court of the United States, such doctrine would lead directly to anarchy or despotism. We must be continuously conscious that if the provisions of the Constitution be not upheld when they pinch as well as when they comfort, they may as well be abandoned.

Mr. President, on constitutional grounds I shall also vote to strike out section 9 of the bill, because it provides for the confiscation of the net profits derived from the operation of any property that has been seized under the bill. Net profits are property. It is proper to provide for payment of just compensation, over and above all operating expenses, for the use of property during the period of seizure by the Government; but the confiscation of net profits remaining over and above such operational expenses, inclusive of payment for the use thereof, is a clear taking of property without just compensation. I shall, therefore, vote to strike out section 9 or to amend it so as to make it conform to constitutional requirements.

The remainder of the bill invests the President with three constitutional instruments of power in cases of national emergency when it has been found necessary to seize properties essential to the protection of the general welfare.

First. Section 4 imposes obligations upon officers of labor organizations conducting or permitting strikes against the Government to take affirmative action to terminate such strikes against the Government, and it prohibits any action designed to continue such strikes after the effective date of the President's proclamation, and makes any person willfully violating this section subject to a fine of not more than $5,000 or imprisonment for not more than 1 year, or both.

Second. Section 5 invests the Federal courts with jurisdiction to grant injunctive relief to secure compliance with section 4, upon petition of the Attorney General.

Third, section 6 deprives employees who fail to return to work on or before the effective date of the President's proclamation, or who engage in any interruption of operations, of their status as employees under the National Labor Relations Act or the Railway Labor Act, and of their rights of seniority.

I shall, therefore, support the adoption of these provisions of the bill.

It may be argued that they provide for drastic punishment of employees and an impairment of private contractual rights, in that they deny seniority that has accrued by reason of previous employment. But I am convinced that drastic action is justified in times of great national emergencies, so far as is permitted by the Constitution. This provision of the law is insurance against a particular type of economic calamity. It is not a penalty or punishment for striking in the ordinary sense. It does not apply to strikes against private employers. The penalties apply solely to strikes against the Government when it has been found necessary for the Government to operate industries essential to the maintenance of the national economy, and the penalties can readily be avoided by the simple expedient of returning to work under the President's proclamation. The penalties imposed can be clearly distinguished from such penalties as applied to all strikes. The penalties are justified because they are reserved for strikes against the Government in and during national emergen-

cies. Labor can have no reasonable complaint against the enactment of these penalties in view of the fact that they are limited to strikes against public authority. It is true that the loss of seniority rights is an impairment by the Federal Government of private contractual rights, but they are rights which the Federal Government can constitutionally invade. The right to impair private contracts is denied to the States by the fourteenth amendment, but no such inhibition is applicable to the Federal Government.

I think it should be made clear that the right of the President to seize certain properties under this law is predicated on existing provisions of the War Labor Board Disputes Act, and is, therefore, confined solely—

To any plant, mine, or facility equipped for the manufacture, production or mining of any article or materials which may be required for the war effort, or, which may be useful in connection therewith.

The War Labor Disputes Act also provides that when such properties have been taken, they shall be returned to the owners in no event more than 60 days after the restoration of the productive efficiency prevailing prior to the taking. The act also provides that such seized properties shall be operated under terms and conditions of employment in effect at the time possession of such plant or facility is taken. By reason of these provisions of the War Labor Disputes Act, the kind and description of properties which the President may seize are expressly enumerated; the time within which the Government may operate such properties is limited; and the terms and conditions under which the properties are to be operated during the seizure are defined. The President clearly violated this provision of the law when he negotiated a new contract with Lewis for the miners.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article by David Lawrence entitled "Impartiality Doubted in Strike Settlement—Mine Leaders Are Applauded, Rail Strikers Denounced."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPARTIALITY DOUBTED IN STRIKE SETTLEMENT—MINE LEADERS ARE APPLAUDED, RAIL STRIKERS DENOUNCED

(By David Lawrence)

As a reward for their strike against the Government, the mine workers' union has been given a written contract by the Government itself. This contract is not binding on the mine operators but if they don't accept its terms, the Government will not turn the mines back to the owners.

Thus, while the Truman administration denounces the railroad union chiefs who struck against the Government, it applauds the coal miners' leaders by giving them more than had been agreed to in collective-bargaining proceedings.

The administration broke the spirit as well as the letter of the Smith-Connally law by refusing to prosecute any of the miners or their leaders who were responsible for the concerted action of nearly 400,000 miners in remaining off the job during the last few days of Government seizure.

The law specifically forbids any two or more persons from acting in concert in bringing about a work interruption while properties are under Government seizure. Just why the President of the United States failed to enforce the law against labor unions—though he doubtless would never hesitate to enforce it against management—will ever be a puzzle to those who believe in even-handed justice from a Chief Executive at all times.

EXPEDIENCY AND OPPORTUNISM

The only explanation is that the law was not enforced because the Nation needed coal and the miners by their strike were, in effect, coercing the Government to make a contract with them. Hence the surrender by the President was in the interest of expediency and opportunism. It means, of course, an abandonment of principle.

There is an orderly procedure during the period when properties are in the Government's possession. The Smith-Connally law prescribes that the same terms and working conditions as existed before a seizure occurs must be maintained, with one exception. That exception permits the employees or the Government agency which holds the properties to go before the National War Labor Board and apply for "a change in wages or other terms or conditions of employment in such plant, mine, or facility." Then the law reads:

"Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions which it deems to be fair and reasonable and not in conflict with any act of Congress or any other Executive order issued thereunder."

The statute, it will be noticed, specifically stipulates the National War Labor Board. This tribunal consisted of three sections—the public, labor, and management. That board has been discontinued by Executive order and its functions turned over to the National Wage Stabilization Board.

BLUNDER COMPOUNDED

But Congress has not recognized by law the new board, which is merely the creature of an Executive order. Also there have been no hearings and no opportunity for management to present its side. To contend that no hearings were necessary is to refute a principle laid down in many Supreme Court decisions heretofore which have ruled that private property could not be confiscated by any governmental order in any instance where hearings were provided for the aggrieved parties unless and until such hearings have been duly held.

It would appear, therefore, that the President and his advisers have compounded their blunder, first, by refusing to prosecute law offenders and, second, by making a contract in behalf of a Government agency with a labor union which is on its face contrary to the procedures prescribed by law.

The tendency toward arbitrary action by the executive branch of the Government has increased in the last decade but it was thought that under President Truman there would be more respect shown the statutes. It may well be asked why Congress takes the trouble to debate or pass laws if the President can nullify them at will. This is not what the American system of government with its checks and balances has provided as a means of safeguarding the rights of the people. The so-called settlement of the coal strike is not an occasion for rejoicing—even though the terms of it are doubtless fair to the miners—but it is an occasion for mourning. The slogan "Equal justice for all" is rapidly being made obsolete.

Mr. MOORE. Mr. President, the fourth subdivision of section 3 of the President's bill providing that he shall fix wages and other conditions of employment during the period the properties are being operated by the Government, is in conflict with this latter provision of the War Labor Disputes Act and should therefore be stricken.

It should not be overlooked that the War Labor Disputes Act makes it unlawful for any person to coerce, instigate, induce, conspire with, or encourage, any person to interfere by strike or otherwise with the operation of any properties which have been seized and are being operated by the Government, or to aid in the interruption of or interference with such operation by giving direction or guidance in the conduct of such interruption, or providing funds for the conduct or direction thereof, or for the payment of strike or other benefits to those participating in any interruption. Any person willfully violating this section of the law is subject to a fine of not more than $5,000 or imprisonment for 1 year, or both.

During the railway strike and the coal miners' strike, after the date of the Government seizure, the President had this specific provision of law available to him. Every official of the Railway Brotherhoods and the United Mine Workers who were violating this provision of the law, could have and should have been prosecuted by direction of the President, and the penalties provided for imposed upon and against them.

I am perfectly willing to invest the President with every constitutional power for which he has asked, in order to deal with existing and threatened emergencies, but I do so with the admonition that it will be a futile gesture unless the President shall determine to use these instruments of power when the necessity arises, and shall exercise that degree of moral leadership inherent in the Presidency in such manner that those who would destroy the national economy of this Nation may know that the President will use those powers when necessary to protect the general welfare.

The PRESIDING OFFICER (Mr. BRIGGS in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] in the nature of a substitute for section 2.

On this question, the yeas and nays having been demanded and ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). On this question I have a pair with the senior Senator from Alabama [Mr. FANKHEAD]. Not knowing how he would vote, if present, I withhold my vote.

The roll call was concluded.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained from the Senate by illness. If he were present and voting, he would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. TAYLOR], who, if present and voting, would vote as I intend to vote. I am therefore at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

The Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], and the Senator from Oklahoma [Mr. THOMAS] are absent on official business at various Government departments.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is unavoidably absent, has a general pair with the Senator from Utah [Mr. THOMAS]. The announcement of that pair and its transfer has heretofore been made.

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 35, nays 45, as follows:

YEAS—35

Aiken	Gurney	Shipstead
Austin	Hart	Smith
Ball	Hawkes	Taft
Brewster	Hickenlooper	Vandenberg
Brooks	Knowland	Walsh
Buck	La Follette	Wheeler
Bushfield	Millikin	Wherry
Capehart	Moore	White
Capper	O'Daniel	Wiley
Cordon	Reed	Willis
Donnell	Revercomb	Wilson
Ferguson	Robertson	

NAYS—45

Andrews	Hoey	Morse
Barkley	Huffman	Murdock
Briggs	Johnson, Colo.	Murray
Burch	Johnston, S. C.	Myers
Byrd	Kilgore	O'Mahoney
Connally	Lucas	Overton
Eastland	McCarran	Pepper
Ellender	McClellan	Radcliffe
Fulbright	McFarland	Russell
George	McKellar	Saltonstall
Green	McMahon	Stewart
Guffey	Magnuson	Thomas, Utah
Hatch	Maybank	Tunnell
Hayden	Mead	Tydings
Hill	Mitchell	Wagner

NOT VOTING—16

Bailey	Chavez	Taylor
Bankhead	Downey	Thomas, Okla.
Bilbo	Gerry	Tobey
Bridges	Gossett	Young
Butler	Langer	
Carville	Stanfill	

So Mr. TAFT's amendment in the nature of a substitute was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 67) to extend the time for filing the report, together with the powers and functions, of the Joint Committee to Investigate the Pearl Harbor Attack.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. EASTLAND obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for just a moment?

Mr. EASTLAND. I yield.

Mr. VANDENBERG. I wish to ask the majority leader, before we leave the section we have been considering, if we may not perfect it by unanimous consent now in the manner we discussed, so that in line 9 on page 2 it shall read "is vitally necessary to the maintenance of the public health and security and the national economy," and so forth?

Mr. BARKLEY. I accept that amendment, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. VANDENBERG. Then, Mr. President, I suggest that in order to be consistent the same language should be used in line 5, page 1, so that it will read "industries essential to the maintenance of public health and security and the maintenance of the national economic structure," and so forth.

Mr. BARKLEY. The Senator is correct.

Mr. VANDENBERG. I offer that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EASTLAND. Mr. Chairman, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, line 24, after "SEC. 6.", it is proposed to insert "(a)".

On page 5, between lines 11 and 12, it is proposed to insert the following new subsection:

(b) Whenever the employees who have failed to return to work in one or more plants, mines, or facilities on or before the finally effective date of the proclamation (unless excused by the President) or who have engaged in any strike, slow-down, or other concerted interruption of operations in such plants, mines, or facilities while they were in the possession of the United States, constitute a majoirty of the members of any labor organization who were employees in such plants, mines, or facilities, any individual who is an officer of such labor organization and any labor organization of which such an individual is an officer, shall not, until the expiration of a period of 5 years thereafter, be deemed to be a representative for collective-bargaining purposes of any employees in such plants, mines, or facilities and shall not be recognized as such a representative by any employer. Any collective labor agreement entered into by an employer with any such labor organization or individual as a representative of such employees is hereby declared to be against public policy and to be null and void. The provisions of this subsection shall not apply to any individual who is an officer of any such labor organization who, on or before the finally effective date of the proclamation, acts affirmatively and in good faith to rescind or terminate such strike, slow-down, or interruption.

Mr. THOMAS of Utah. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. EASTLAND. For what purpose?

Mr. THOMAS of Utah. I wish to speak on the amendment. The Senator may proceed if he is about to speak on the amendment.

Mr. EASTLAND. Mr. President, the amendment provides merely that before the effective date of the President's proclamation, after a plant has been taken over by the Government, if the employees strike, or if they are already out on strike and do not return to work, then the union for a period of 5 years loses its right to represent them as bargaining agent, and the officials of the organization for a period of 5 years forfeit their right as officers of the union to represent the employees as bargaining agents.

Mr. President, this is what we are doing: Section 4 of the bill attempts to place a criminal penalty on officials of a union who refuse—quoting from the section—"to take appropriate affirmative action to rescind or terminate such strike."

I submit that that provision is not worth the paper it is written on, and I do not believe any lawyer would seriously maintain that it is. No legislative standard is there provided so that a person could tell whether or not he had violated the law. It is simply and solely within the discretion of the court as to whether or not one who is accused has violated the act. There is no legislative standard, no set standard, by which a person could tell when he was in compliance or when he was violating the law.

Here is a strike. I think we all admit that the leadership of the union is responsible for the strike. The workingman, the man who labors, does not have much choice in the matter. Yet when he does not return to work, under the law we are about to enact, he will forfeit his rights under the Wagner Act, he will forfeit his seniority rights, while the union leader, the man who is responsible, will go absolutely free.

Mr. President, consider this man Joe Curran. My judgment is that he is a Communist. He has defied the American Government. He says his union is going out on strike on the 15th of June, and that the Government be damned. We should certainly in the law make provision under which a man like that could be reached and punished.

Mr. President, my amendment provides merely a reasonable restraint. It should be declared to be against public policy to recognize a union for bargaining purposes which has defied the Government, which has defied the will of the American people, and which calls a strike which will bring the country to its knees, and if carried to its conclusion will bring starvation and death, as would have resulted had the coal strike and the rail strike progressed further. Why can we not put the blame on the men who are responsible? Why should the union leaders continue to be above the law? I say in all sincerity, Mr. President, that no one enjoys a right today that these labor leaders are obligated to respect. The farmers have no such right; the laboring men have no such right; the professional men have no such right; no group of our citizens has any right which these labor overlords are legally obligated to respect.

The amendment is fair. It places a mild restraint on the exercise of the labor leaders' power over life and death of the American people. I submit that the amendment alone will do more than anything contained in the bill to prevent the wave of strikes and the conduct by union leaders which we have witnessed in the past few days.

Mr. President, I hope the amendment will be adopted.

Mr. THOMAS of Utah. Mr. President, last Saturday night I rose to make a few remarks on the pending bill. I read this paragraph from the President's message.

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

Mr. President, in my remarks last Saturday night I stated that, so far as I was concerned, I was ready and willing to accept the President's recommendation upon the President's own thesis; that is, that time meant everything, and that at once the United States should be united by joint action on the part of the President and of the Congress. Almost before that speech was delivered one of the strikes was settled and the second one was settled within a few hours.

In my remarks on that occasion I also pointed out the fact that section 7, which made it possible for the President of the United States to draft into the Army persons who refused to go back to work, was extremely obnoxious, and I tried to base my argument on the very high plane that the Army of the United States should never be used as an instrumentality to punish men for being out of harmony with their Government.

I do not think I was very far wrong in what I stated last Saturday night. I think conditions have proved that I was right. In the Decoration Day address made by the gentleman who ran for Vice President of the United States on the Republican ticket in the last Presidential election even that Republican accepted the thesis of this humble Democrat, and in his address he pointed out that the Army should never be used for such a purpose. The Senate of the United States, after some deliberation, indicated that it realized that section 7 was a great mistake, and by a vote of 70 to 13 the section was eliminated.

Mr. President, I refer to another part of my remarks made last Saturday night. I stated that the President had made two recommendations. The first was that we act quickly on the emergency measure which he recommended and, secondly, that we deliberately act upon labor bills which might make such emergencies impossible in the future. The President implied in his message that his legislation was emergency legislation. The legislation which he recommended contained the time limit of the emergency upon it. The committee which considered that emergency legislation made definite that point by putting a time limit on it. It was emergency legislation to save the country from a definite situation, and it was necessary to act quickly.

In my remarks I also pointed out that we would have to act quickly, because if we did not act quickly and started long deliberations we would never take action, because of the seriousness of other legislation before us.

Now, Mr. President, we have deliberated for nearly a week about whether we shall pass a measure which was to be an emergency law, and which was passed by the House of Representatives in a comparatively few minutes. Within the last half hour we have acted upon an amendment which has never been printed, an amendment nearly a page long, an amendment which is very serious, an amendment offered by the senior Senator from Ohio who is a very careful student of industry-labor relations, and who as a member of the Committee on Education and Labor has always done valiant service in this line. I do not criticize the amendment as being hastily drawn. I do not criticize it as being probably unwise. I have no criticism to make of the amendment itself. But the Senator from Ohio himself uttered certain words upon this floor when a simple little bill was brought before the Senate which would extend an act which would come to an end at midnight on the 15th of May. The Senator himself objected to consideration of that simple measure and refused to have it considered by unanimous consent because it had not been printed, although that bill had had the consideration of a Senate committee.

Mr. President, we are now in the frame of mind of deliberating about a bill which the President of the United States suggested we act on quickly to save us from a situation which has passed.

I might proceed further along the same line. Another amendment has been offered by the Senator from Mississippi [Mr. EASTLAND]. In his remarks on that amendment he criticized the pending bill. In other words, we are beginning to get into such a state of mind that we are deliberating, and considering the bill, not as an emergency, emotional bill to unite the President and the Congress in an action which had to be taken quickly, but to bring about what might be termed permanent legislation in its nature.

We have by unanimous consent agreed to limit debate. Under those circumstances I do not think the Senate of the United States can deliberate as it is its custom and as it is its wont. We find ourselves now after a week, after the two emergencies are over, dealing with legislation with which apparently no one is satisfied and which no one wants to see passed. The committee amended the bill in one or two places. The Senate itself has stricken one important section of the bill. We considered the amendment of the Senator from Ohio, an amendment which was never printed, and we rejected it. Now we are considering another amendment of a page and a half in length, offered by the Senator from Mississippi.

Mr. President, need the Senator from Utah argue longer or argue further the fact that we have gotten ourselves into a state where deliberation seems to be necessary on the part of all of us? Why not, therefore, accept the President's second proposition that the matter be left to the time when a joint committee can act upon it, report back to Congress, when we can enact a permanent law and bring our labor legislation up to date?

Mr. President, I, for one, am very proud of the gains which labor in the matter of its rights has made in the past 10 or 12 years. I do not wish to see any of those rights jeopardized; and I do not wish to see the Congress of the United States placed in a position where it may say, if those rights should be jeopardized because of impulsive action on our part, that action was needed at a given time. I do not wish to see any Senator or Representative explaining his vote on the basis that hasty legislation was asked for and hasty legislation was enacted, and as a result some of the rights of labor were jeopardized.

Mr. President, if it be in order—and I had better inquire whether the motion is in order or not—I should like to move that the bill be recommitted to the Committee on Interstate Commerce, and that the committee be ordered to report back to the Senate not later than June 14.

The PRESIDING OFFICER. The parliamentarian informs the Chair that a motion to recommit is in order at any time.

Mr. THOMAS of Utah. Then, Mr. President, I formally move that the bill be recommitted to the Committee on Interstate Commerce, and that the committee be instructed to make some report in regard to the bill on or before the 14th of June.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Daniel
Andrews	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hickenlooper	Pepper
Barkley	Hill	Radcliffe
Brewster	Hoey	Reed
Briggs	Huffman	Revercomb
Brooks	Johnson, Colo.	Robertson
Buck	Johnston, S. C.	Russell
Burch	Kilgore	Saltonstall
Butler	Knowland	Shipstead
Byrd	La Follette	Smith
Capehart	Lucas	Stewart
Capper	McCarran	Taft
Connally	McClellan	Thomas, Okla.
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	Wilson
Hart	Myers	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. THOMAS of Utah. Mr. President, at the suggestion of several Senators I ask the privilege of modifying my motion. The reason I make the suggestion is that the threatened maritime strike is called for June 15. It is felt that the committee should report back earlier than that time. Therefore I change the date in my original from June 14 to June 12.

The PRESIDING OFFICER. The Senator has that right.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. KNOWLAND. I was not present when the Senator made his motion. Will he restate the motion which he has made?

Mr. THOMAS of Utah. I moved that the Senate recommit the bill to the Committee on Interstate Commerce, with instructions to report something back to the Senate on or before June 14. The motion has now been modified so as to call for a report on or before June 12.

Mr. KNOWLAND. The Senator asks that the committee be instructed to report something back. That might mean that the committee would merely report that it had decided to do nothing.

Mr. THOMAS of Utah. That would be possible. I should like to abide by the decision of the Committee on Interstate Commerce.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. THOMAS].

Mr. BARKLEY. Mr. President, I hope the motion of the Senator from Utah will not be agreed to. We have this bill before us. Under the circumstances which exist, I think we are under some obligation to complete consideration of it. We practically wrote the Case bill on the floor of the Senate, and I see no reason why we cannot make such perfecting amendments to this bill as the Senate, by a majority, may decide to make.

To postpone consideration of this bill until the 12th of June, which is 3 days prior to the date fixed for the maritime strike, would simply postpone it until 3 days before an impending interruption in the maritime transportation facilities of the United States, unless the strike were settled or adjusted. There is no assurance that the committee, if it should work from now until the 12th of June, would make improvements in the bill which could not be made here, in view of amendments which have been offered or which may be offered.

It seems to me that now that we have this question before us we ought to dispose of it in order that we may proceed with something else. By the 12th of June we may be in the midst of the discussion of the extension of the Stabilization Act. No one can tell what the condition in the Senate may be at that time with respect to legislation. There is much legislation which needs to be considered and disposed of, and upon which there is a time limit.

I hope we may conclude action on the pending legislation. I may say that if the Senate amends the bill in any respect, it will have to go to conference, and in conference a better bill might be worked out.

So, Mr. President, I see no reason for recommitting the bill, and I hope the motion will be rejected.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. Under the motion of the Senator from Utah, if the motion is agreed to, will the bill come back to the Senate or will it be placed upon the calendar?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that something would be reported back, and then it would be in the hands of the Senate to dispose of it as it saw proper.

Mr. BARKLEY. Mr. President, in the normal course, after a bill is recommitted and subsequently is reported, it occupies the status it originally occupied, and ordinarily it would immediately go to the calendar, to take its place on the calendar along with other measures.

Mr. MILLIKIN. Mr. President, is it the interpretation of the Chair that the measure would come back to the Senate and would go on the calendar?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the motion is that something be referred back to the Senate.

Mr. BARKLEY. Mr. President, in order that the motion may be made in orderly fashion, let me say that if the bill is recommitted to any committee, with instructions, it should go to the committee with the instruction that the bill be reported back by title, even if the committee votes to strike everything out of it. It is scarcely adequate to move that "something be reported." The committee might report on the weather. [Laughter.]

Mr. LA FOLLETTE obtained the floor.

Mr. THOMAS of Utah and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield; and, if so, to whom?

Mr. LA FOLLETTE. Mr. President, I yield to the Senator from Utah, because I feel certain that he intended that his motion provide that the committee report the bill to the Senate, together with its recommendations thereon.

Mr. THOMAS of Utah. Mr. President, the Senator from Utah certainly did not intend that his motion, if adopted, would change the custom and rule of the Senate. I thought, of course, that matters would proceed in an orderly way, as our leader has suggested. I wish to reiterate that the mere remarks of our leader to the effect that my motion was not made in an orderly way, and that it should call for an orderly reporting by the committee, and so forth, show us that we need to deliberate properly upon this measure.

My whole purpose was to enable the Senate to attempt to accomplish exactly what our leader has suggested we should accomplish. As chairman of the Committee on Military Affairs, I am rather sure that we have on the calendar a measure which we would like to have considered, but as amendments to the pending bill come in day after day and day after day, instead of acting in accordance with the President's wishes and the President's message, we are acting as if we were considering permanent legislation. The more that occurs, Mr. President, the more the logic of the motion I have made is apparent.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. Let me say that in nothing which I have said did I state that the motion which the Senator originally made was not in order. I assumed that he intended to move to recommit the bill by number and title, with instructions to report it not later than the 14th of June. But the Senator from Utah in his colloquy said that the committee would report back something, and the Chair in interpreting what was going on said that the committee would report back something.

Mr. THOMAS of Utah. Mr. President, I did not expect the committee to report back another bill. This bill, the bill with this number, would be recommitted, and I am rather sure the committee would act on this bill, with this number.

Mr. LA FOLLETTE. Mr. President, as I understand the motion of the Senator from Utah, it is to recommit the bill, together with all amendments, to the Committee on Interstate Commerce, with instructions that it report the bill and its recommendations on or before the 12th of June.

I wish to say a few words in connection with the motion. There are now pending in the Senate many important amendments to this bill. One of them is the amendment offered by the Senator from Mississippi, and it is a very important one. The measure itself has not had the committee consideration to which its vital and far-reaching importance entitles it. Every Senator knows—and I say this without the slightest criticism of the members of the Committee on Interstate Commerce—that the bill could not have had adequate consideration in the brief time in which it was in the possession of that committee on Saturday night.

Mr. President, every line of the bill should have careful committee consideration, the amendments which are pending to it should have careful committee consideration, and the Senate should have the benefit of the recommendations of the Committee on Interstate Commerce, after it has had an opportunity to give the measure and the proposed amendments or any amendments which may later be proposed thorough and adequate consideration. It will really be a shocking thing in the history of the Senate, in my opinion, if a measure of this magnitude and importance is passed and if the legislative record shows that it has not received adequate committee consideration.

In addition, I wish to say that as we go through with the further consideration of the bill, it is perfectly obvious that the amendments which are pending cannot receive the consideration which the Senate should give to them unless they have been studied by a committee. In considering these amendments, we

should have the benefit of the committee's consideration and recommendations. Every Senator knows that when measures are written on the floor of the Senate they do not emerge from that process as sound legislation.

I cannot see anything which would be lost by having the bill go through the proper procedure. The two strikes which occasioned the President's recommendation of the bill have been settled. There is not now an emergency. The only other one of which we have any advance knowledge is the maritime strike, which cannot occur before June the 15th, if it is not settled before that time. If this measure is reported on the 12th of June and if at that time there is any threat of a maritime strike, I have no doubt that the Senate will take up the measure and will give it prompt consideration. If that is the situation which gives Senators concern about voting for the motion, I shall be willing to vote now, so far as I am concerned, to make this measure a special order of business for the 12th of June—which we can do under the rule.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. The Senator knows that if the Senate adopted any amendments, whether recommended by the committee or not, which would materially change the bill as it passed the House of Representatives, the bill would either have to go to conference or the House would have to concur in the Senate's amendments. The time elapsing between the reporting of the committee on the 12th and June the 15th, the date which has been mentioned here, certainly might be wholly inadequate to enable the completion of the process of conference and adjustment, study of the bill by the conferees, and the dispatch of the bill to the President in time to enable him to study it, and to obtain legislation which might be better than that which would result from the passage of this measure without recommitting it, and with a resultant more deliberate conference with respect to it.

Mr. LA FOLLETTE. Mr. President, having viewed the celerity with which the House of Representatives passed the bill in the first place in the face of that emergency, I cannot doubt that if on the 12th of June a maritime strike is threatened, both the House of Representatives and the Senate will act with celerity in that situation.

Furthermore, while I hope and pray that the maritime strike will be settled, I personally do not believe that that strike can take effect, because I think there is now on the statute books sufficient legislation to give the President the power to cope with it. We are not in the same situation that we were in when the mine strike and the rail strike occurred. If the maritime strike theatens, we have in the Navy and the Coast Guard the personnel to make it unnecessary for a single ship to be delayed 1 hour, in my opinion, if the President exercises the power which already is on the statute books.

So I urge that the Senate adopt this motion; and I say in all sincerity that I do so only in the interest of sound legislation, because we can rest assured that if this measure goes on the statute books and if it is invoked, it will be tested in the courts, and it will be very important that the Congress should have given full weight and consideration to all the delicate and important legal problems which are involved in the proposals contained in the bill. It certainly will not help in the ultimate sustaining of whatever action the Congress takes if the court looks to the legislative history of the bill and finds that the House of Representatives adopted a rule for its consideration before the bill was ever proposed or suggested, and passed the bill before copies of it were available to each Member of the House of Representatives, and also finds that the Senate considered and passed the measure after it was considered for only an hour or so by one of its committees.

I believe that the adoption of the motion would not delay consideration of the measure beyond the time when it could be passed soon enough to meet any possible emergency. I believe further that, in the end, it would result in a very much more satisfactory and sound piece of legislation than could possibly be enacted if we were to proceed to write the bill here on the floor of the Senate without the benefit of previous committee consideration either of the bill itself or of the important amendments which have been proposed to it.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. SALTONSTALL. June 12 comes on a Wednesday. June 10 comes on a Monday. It is now May 31. I ask the Senator from Wisconsin, and through him the Senator from Utah [Mr. THOMAS], if they would consider favorably the suggestion of making the date by which the committee is to report Monday, June 10, instead of Wednesday, June 12, and thereby meet some of the objections which have been made by the Senator from Kentucky.

Mr. LA FOLLETTE. Mr. President, I am not the author of the motion, but I should be satisfied if the committee were given a chance to have the bill for 10 days. The 10th of June would satisfy me as the date by which the committee would report the bill back to the Senate. I do not know how the Senator from Utah feels about it. Certainly all I desire is that we may not be forced to act upon this vitally important measure and the amendments which are pending to it without the benefit of the help and the advice of some committee. I personally believe that 10 days would be sufficient for that purpose.

Mr. THOMAS of Utah. Mr. President, I would not object to the change in date.

Mr. LA FOLLETTE. Would the Senator from Utah be willing to modify his motion accordingly?

Mr. THOMAS of Utah. I am thinking in terms of what we should try to do. Therefore, once again, Mr. President, I modify my motion so that the date will be changed from June 12 to June 10.

The PRESIDING OFFICER. The Senator has a right to modify his motion, and the motion is modified accordingly.

Mr. LA FOLLETTE. Mr. President, I should like to go further, and ask unanimous consent that consideration of the bill be made the special order of business of the Senate on the 11th of June, provided, of course, that the motion which has been made by the Senator from Utah shall be agreed to.

Mr. BARKLEY. Mr. President, in view of the legislative program which lies ahead of us, and the impossibility of predicting what sort of a posture the business of the Senate will be in on the 10th or 11th of June, I shall be compelled to object to the unanimous-consent request of the Senator from Wisconsin.

Mr. LA FOLLETTE. I am sorry that the Senator from Kentucky feels that way. I understand some of the reasons for his attitude, but I am happy, nevertheless, to make the unanimous-consent request in order that the Senate may do credible work in connection with the pending legislative proposal, which is one of the most far-reaching proposals of domestic legislation that have ever confronted the Senate since the Civil War.

Mr. SALTONSTALL. Mr. President, I hope that the Senate will agree to the motion of the Senator from Utah. Last week, after several weeks of debate, we adopted several amendments to the Case bill. I hope that those amendments will be of aid during collective bargaining processes which may take place in the future. I hope that they will result in improving the relationships between the managers of companies and their employees.

The pending bill would give power to the President of the United States to seize certain plants during a national emergency. It would give power to put into jail officers of companies and of unions who refused to cooperate. It would also give power to deprive of their seniority rights, persons who worked in plants. Such powers are very drastic ones. The bill would take away from the owners of the companies certain rights, and also give the profits received from the operation of those companies to the United States Treasury. The proposals are very drastic ones. They are un-American as we know America today.

Mr. President, I wish to remind the Senate that I come from the State in which the Boston Tea Party was held. As a representative of the Commonwealth of Massachusetts, I believe in the freedom and liberty of the individual.

I do not want to give any individual in the United States power such as that which is proposed in the pending bill, unless the Nation is confronted with a tremendous crisis or a revolution. I voted for the amendments to the Case bill because I believed they would be of immense help in conducting collective-bargaining negotiations.

Section 7 of the pending bill was stricken out last week. That section would have reduced our Army to a punitive system. How can we in 1 week pass a bill that makes a punitive system out of our Army and then the next week pass a law to put our sons in the Army to keep our country strong and respected?

I hope that we will give all necessary consideration to the pending bill before the Senate decides to pass it. I am heartily in favor of the motion of the Senator from Utah to recommit the bill. If the necessity is believed to be present after consideration has been given to the bill by the committee for at least a week, I hope that the committee will report back a bill which they believe will be in the best interests of the country. I hope that we will not act on the pending bill too hastily.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. What is the motion now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. THOMAS] to recommit the bill to the Senate Committee on Interstate Commerce with instructions to the committee to report the bill to the Senate on or before June 10, 1946.

Mr. MILLIKIN. Mr. President, I urge favorable action on the motion.

Mr. PEPPER. Mr. President, will the able Senator speak a little louder? We cannot hear him on our side of the Chamber.

Mr. MILLIKIN. I urge favorable action on the motion. I know that amendments are now pending which conflict with each other. If any of them should be agreed to, the Senate would be required substantially to sit as a committee of the whole and recast the entire bill in order to keep its provisions in proper coordination. The junior Senator from Colorado has at the desk a proposed amendment to strike out section 9, and a proposed amendment to strike out the section which would take away from the workers their seniority rights. It seems to me, as stated by the Senator from Massachusetts [Mr. SALTONSTALL] that these matters involve important constitutional considerations. It would be tragic, in my opinion, if we were to attempt to legislate on a bill of such transcendent importance without the further and proper consideration which I feel can be given to it only by a Senate committee.

Mr. BREWSTER. Mr. President, since the pending bill came before the Senate we have had, at least, a breathing spell, which some have termed a cooling-off period, in which to contemplate the consequences of the proposed measure. I venture to invite attention to the first amendment to the Constitution of the United States which reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

If we establish the precedent of enacting into law proposed legislation of such great consequence as that of the pending bill, without first affording an opportunity to any person in the United States to be heard, we may not violate the technical language of the amendment which I have read, but we will violate its spirit, because the redress of grievances is a right of people to be heard on legislation vitally affecting their entire welfare and that of their posterity.

As every Senator knows, we are asked to take a step which will be unprecedented in the history of this country, or at least not contemplated in the Constitution. Inasmuch as there is now sufficient time in connection with the orderly processes of legislation to refer the bill to a competent committee, and afford the committee an opportunity to hear from citizens of the United States who are vitally affected and who, perhaps, have knowledge regarding these matters which has not yet been fully presented to the Senate of the United States, it seems to me that it would be a parody on the legislative processes for us to refuse to afford such opportunity.

I venture also to read from an enlightened journal of opinion. While I attribute no omniscence to editorial sanctums, they do have a certain detachment from the passions which seem to swirl about this Chamber.

I wish to read two paragraphs from an editorial in the New York Times of today, analyzing the situation with which we are now faced. The editorial argues very persuasively, it seems to me, that in the interest of orderly Government legislation should not take the course which is here being proposed. I quote:

> In its present form—

Speaking of the measure after the removal of the strike-draft provision—

> In its present form the chief powers which this legislation would confer are these: Power for the President to seize any industry in the country interrupted by a strike or threatened by a strike, provided only that he deems the continued operation of this industry to be "vitally necessary to the maintenance of the national economy"; power for the President, immediately and without consultation with the owners of this industry, to establish "fair and just wages and other terms and conditions of employment" for the period of Government control; and power to cover into the Treasury the net profits of this industry while the Government operates it.

At that point I may say that in my own State a railroad may make all its money in 3 months as a result of crop movements. If the railroad happened to be seized during that 3-month period, January, February, and March, all the profits of the entire year would go to the Government, and the losses for the next 9 months, if there should be losses, would be borne by the operators. That is one phase of the proposal which, if the bill were before a committee, I should wish to have the committee consider, and whether or not some equitable arrangement could not be made to avoid an inequity of that character, which I have no doubt prevails in many industries, transportation particularly, because of seasonal profits.

I proceed with the New York Times editorial:

> It may well be asked what possible deterrents such legislation provides to future strikes. To put the question specifically and bluntly: Mr. Lewis' 75,000 hard-coal miners have just gone on strike: Have they anything whatever to fear from a piece of legislation which would enable the Government to take over the hard-coal mines, establish "fair and just wages" and take over the profits of the owners until such time as they agreed, however reluctantly, to continue to pay the "fair and just wages" which the President had picked out for them? To ask the question is to answer it. There is nothing in the emergency bill, as it now stands in the Senate, which promises seriously to deter strikes. There is, on the contrary, a great deal in the bill which promises to foment strikes. For the bill, if enacted in its present form, would create a situation in which it seems likely that unions everywhere would be tempted to make impossible demands, to provoke strikes, to compel Government seizure, and force "fair" wages far higher than they could get in a free economy. In short, now that the unwise and unconstitutional provisions for a peacetime labor draft have been cut out of the bill, it remains more a measure for cracking down on employers than a measure for cracking down on unions that place the Nation's health and welfare in jeopardy.

Mr. President, it seems to me that when there is a considered editorial utterance of that character from a journal of the significance of the New York Times, the Senate may well pause and consider whether or not the Committee on Interstate Commerce may not properly and wisely afford opportunity for all the great interests of the country, labor and employer alike, to appear befor the committee and discuss the implications of the proposal, and discuss their problems, in the orderly process of government, and enable the Senate to be afforded the benefit of a report by such a committee, after some proper time for the hearings, which have been the tradition of this country for 157 years, since the Constitution of the United States was adopted.

For the reasons stated, Mr. President, I earnestly hope the motion will prevail.

Mr. CAPEHART. Mr. President, I am against recommitting the bill. It is hard for me to follow the reasoning of the many able Senators who have spoken on the subject.

It seems to me some lose complete sight of the significance of the legislation we are considering, and its purpose. I should like to emphasize the fact that the pending bill deals only with a situation which arises when the United States Government takes over, in the interest of 140,000,000 people, a plant or facility, and the question is whether a few people, or many people, have the right to strike against the Government. In my opinion, when they do it is anarchy and we no longer have law and order.

We are not considering legislation which has to do with an employee, whether he be a union employee or nonunion employee, and a private enterprise. We are considering whether or not a man has the right to defy his government.

We voted Wednesday to delete section 7, to which section I was opposed. There are a few other angles of the bill which can be amply amended on the floor of the Senate, and I shall vote for amendments, but I see no necessity for recommitting the bill to the committee. I am a member of the Committee on Interstate Commerce, and I have all the respect in the world for the good judgment of the committee, but my opinion

is that we know as much today as we will know 10 days hence whether we want to vote for such legislation or whether we want to vote against it.

We may recommit the bill to the Committee on Interstate Commerce, and the committee may hold hearings, but I cannot see that anything new can be developed in connection with the proposal. Senators either favor giving the President, whether he be a Democrat or a Republican, the right to deal with persons defying the Government, or they are opposed to giving the President of the United States such authority. I, for one, am in favor of giving the President the authority to deal with those who defy the Government of the United States.

Mr. TAFT. Mr. President, there are some things in connection with the pending bill which I think have received no consideration whatever, and it does seem to me that committee action might be seriously thought of.

In the first place, the bill has not been carefully coordinated with the Smith-Connally Act, nor have we considered whether we want to continue the Smith-Connally Act. The bill provides, "Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended," and so forth. That act will expire on June 30 if we do not extend it. The relationship between that act and the pending proposal should be worked out in some way, because the bill now pending would remain on the books only until June 30 unless we extended another law. The whole matter should be taken care of in the measure we are now about to pass.

If we are to have a law at all, we should at least give power to the President to call for volunteers to do the particular job we need done. There should be a general provision, as in the case of the British general strike, under which the President might appeal to people to enter the service of the Government voluntarily, and some provision made for paying them, some substitute for the draft provision.

Furthermore, as I stated this morning, I should like very much to present the idea of such bill as might be passed going into effect only by joint resolution of the Congress, and that would require such a complete rewriting that it could not be done on the floor of the Senate. I could not possibly present an appropriate amendment today.

Again, there is no provision in the bill at present covering the method by which the President could restore seized materials to the owners, and under what conditions he should return them. That has not been in any way considered. Whether the Smith-Connally provisions are to apply, I do not know.

There are four important matters which, as I see it, can not properly be dealt with by treatment on the floor. I really think, if they are to be given proper consideration, a thorough study of the bill by the committee would improve the measure.

Mr. LUCAS. Mr. President, before the Senate votes on the motion I wish to detain it to briefly refer to what was contained in the veto message of the President of the United States on what is known as the Smith-Connally Act.

In attempting on Wednesday last to trace the history of crises in this country from the days of Andrew Jackson to the present time, I overlooked what Franklin D. Roosevelt said in his veto message to the Senate on June 25, 1943. True it is, Mr. President, we were at war at that time, but there are a few things in the veto message which I desire to read to the Senate, which bear directly upon the pending emergency legislation. The war crises in 1943 from our internal economy was not as serious as what we experienced last week with the coal and rail strike.

Mr. President, we recall that the Senate of the United States in 1943 passed the Connally bill containing seven sections, and the House of Representatives added sections 8 and 9. In his veto message of this legislation Franklin D. Roosevelt said:

> If the bill were limited to these seven sections I would sign it.

He was referring to the bill passed in the Senate.

Then he proceeded to discuss sections 8 and 9, which he believed would promote strikes rather than restrain them, and he gave a very cogent reason for his conclusion.

But here is something that is tremendously important, and I regret that I overlooked it. I was not in the Senate at the time the veto message came. As I recall, I was in Illinois at the moment and had no opportunity, or did not take the opportunity to read the message when I returned. Franklin D. Roosevelt, true friend of labor, the individual who the labor people of the Nation know did much in behalf of their cause, said this on another day in a great crisis:

> There should be no misunderstanding—I intend to use the powers of Government to prevent the interruption of war production by strikes. I shall approve legislation that will truly strengthen the hands of Government in dealing with such strikes, and will prevent the defiance of the National War Labor Board's decisions.
>
> I recommend that the Selective Service Act be amended so that persons may be inducted into noncombat military service up to the age of 65 years. This will enable us to induct into military service all persons who engage in strikes or stoppages or other interruptions of work in plants in the possession of the United States.

And that is all that this emergency legislation ever sought to do. All it sought to do was to provide that when the Government took over a plant the Government would have the right to operate the plant, that a strike against the Government of the United States was against the law, and that the Government could do certain things in the way of economic sanctions and criminal penalties if there was a strike against it.

Franklin D. Roosevelt further stated:

> This direct approach is necessary to insure the continuity of war work. The only alternative would be to extend the principle of selective service and make it universal in character.

Mr. President, I merely call the attention of the Senate of the United States to what the greatest friend that labor ever had during a war crisis, said the Congress of the United States should do in connection with drafting men into the military service in order that public services essential to the safety and the health and the welfare of this Nation should continue uninterrupted.

Mr. President, the same principle applied when Harry Truman delivered his address to Congress Saturday last. At that time the rail crisis and the coal crisis threatened the very fundamental and basic tenets of the Government; the threat to Government was the same as when the previous coal crisis was on, when the Smith-Connally measure was passed during time of war. It is nonsense for anyone to say that this legislation is revolutionary, or unconstitutional. It had been recognized as a national necessity by Woodrow Wilson and Franklin D. Roosevelt—two great, illustrious, and liberal Democrats.

I merely wanted to make this additional contribution to what I previously stated in the early part of this debate.

Mr. THOMAS of Utah. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. REED. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. Will the Chair be good enough to state the question on which we are about to vote?

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. THOMAS], as modified, to recommit the bill to the Committee on Interstate Commerce with instructions to report the same back to the Senate on or before June 10, 1946. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). On this vote I have a pair with the senior Senator from Alabama [Mr. BANKHEAD. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES] who, if present, would vote as I intend to vote. I am therefore at liberty to vote. I vote "yea."

Mr. PEPPER. I announce that the Senator from Idaho [Mr. TAYLOR] is absent by leave of the Senate. If present he would vote "yea."

Mr. HOEY. I announce that my colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present he would vote "nay" on this motion.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is

necessarily absent, would vote "yea" if present.

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from Kentucky [Mr. STANFILL] is unavoidably detained.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 40, nays 42, as follows:

YEAS—40

Aiken	Kilgore	O'Daniel
Austin	La Follette	Pepper
Ball	McCarran	Saltonstall
Brewster	McFarland	Shipstead
Brooks	McMahon	Smith
Cordon	Magnuson	Taft
Donnell	Mead	Thomas, Utah
Downey	Millikin	Tunnell
Green	Mitchell	Wagner
Guffey	Moore	Walsh
Hart	Morse	Wheeler
Huffman	Murdock	Wherry
Johnson, Colo.	Murray	
Johnston, S. C.	Myers	

NAYS—42

Andrews	Gerry	Overton
Barkley	Gurney	Radcliffe
Briggs	Hatch	Reed
Buck	Hawkes	Revercomb
Burch	Hayden	Robertson
Byrd	Hickenlooper	Russell
Capehart	Hill	Stewart
Capper	Hoey	Thomas, Okla.
Connally	Knowland	Tydings
Eastland	Lucas	Vandenberg
Ellender	McClellan	White
Ferguson	McKellar	Wiley
Fulbright	Maybank	Willis
George	O'Mahoney	Wilson

NOT VOTING—14

Bailey	Butler	Stanfill
Bankhead	Carville	Taylor
Bilbo	Chavez	Tobey
Bridges	Gossett	Young
Bushfield	Langer	

So the motion of Mr. THOMAS of Utah, as modified, was rejected.

LEGAL GUARDIAN OF JAMES THOMPSON, A MINOR

The PRESIDING OFFICER (Mr. MAYBANK in the chair) laid before the Senate a message from the House of Represenatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HUFFMAN, and Mr. WHERRY conferees on the part of the Senate.

L. WILMOTH HODGES—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 874) for the relief of L. Wilmoth Hodges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
JOHN JENNINGS, Jr.
Managers on the Part of the House.

The report was agreed to.

MRS. C. A. LEE, ADMINISTRATRIX OF THE ESTATE OF ROSS LEE, DECEASED—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 941) for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert $3,500; and the Senate agree to the same.

KENNETH S. WHERRY,
ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

The report was agreed to.

CATHERINE BODE—CONFERENCE REPORT

Mr. ELLENDER (for Mr. EASTLAND) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2223) for the relief of Catherine Bode, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JAMES O. EASTLAND,
ALEXANDER WILEY,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
W. A. PITTENGER,
Managers on the Part of the House.

The report was agreed to.

WILLIAM N. THERRIAULT AND MILLICENT THERRIAULT—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3808) for the relief of William N. Therriault and Millicent Therriault, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert $7,500; and the Senate agree to the same.

ALLEN J. ELLENDER,
GEO. WILSON,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
E. H. HEDRICK,
Managers on the Part of the House.

The report was agreed to.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. EASTLAND].

Mr. TAFT. Mr. President, this amendment proposes that as a penalty for a strike such as is contemplated, a union shall no longer be the collective bargaining agent. In the Committee on Education and Labor we have considered at some length that method of punishment. It has been discussed and proposed frequently. The general conclusion which I think the members of the committee came to was that it was not an effective remedy. We would not accomplish anything by depriving the union of collective bargaining rights. In the first place, there would be no union with which to settle a strike. It could no longer speak. Consequently there would be no one who could speak for the men. The majority of the men are likely to remain loyal to the union. There would be no union with which employers could sign a collective bargaining agreement.

The theory seems to be that if there were two unions competing, which sometimes occurs, the other union would be able to march in and, through an election or otherwise, become the collective bargaining agent and shut out the first union. But that is not a very customary situation. In the railroad business what would we accomplish, for example, by saying that the Brotherhood of Railroad Trainmen should no longer represent the trainmen in collective bargaining agreements? Who would represent the trainmen? They would still be members of that brotherhood, and would remain so. It is impossible for me to see what could be accomplished by saying that the union could on longer be the agent of the men. We would simply put an end to the whole process of collective bargaining, and be no better off from the standpoint of settling strikes when we were through than we were in the beginning.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. EASTLAND. Does not the Senator realize that it is perfectly obvious that if the workers desired they could form another organization? The Senator is asking the Senate to penalize laboring men by taking away their rights under the Wagner Act and depriving them of seniority rights, when they are forced to do what the union says.

Mr. TAFT. I do not wish to take away their seniority rights.

Mr. EASTLAND. Let me conclude——

Mr. TAFT. I do not wish to take away their seniority rights. The Senator from Mississippi wants to take away their seniority rights.

Mr. EASTLAND. The bill provides that the laboring man shall lose his

seniority rights. He has no voice in the matter. He must do what the union says.

Mr. TAFT. Yes.

Mr. EASTLAND. If we pass the bill as it is written, what we shall be doing will be punishing the laboring man; and the leader, who is responsible for the strike and responsible for defying the Government, will go free.

Mr. TAFT. He does not go free, because under section 4 the criminal penalty is imposed on every leader. It is not imposed on the men. Under section 5 the injunction lies against the leader. If the amendment which I have suggested is adopted, it will not apply to the men.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. EASTLAND. The Senator does not seriously maintain that the criminal penalties in section 4 are enforceable, does he? The Senator must realize that there is no legislative standard. The matter is left within the discretion of the court to decide whether a crime has been committed. The provision is palpably void.

Mr. TAFT. Such action is made a crime. The bill provides that the officers must order the men back to work, and retract their previous orders, or else go to jail and pay a fine of $5,000. I do not know what further penalty the Senator wants.

Mr. EASTLAND. The Senator knows that in that amendment no legislative standard is set. I will warrant that the Senator's colleague, the Senator from Colorado [Mr. MILLIKIN], who is an eminent lawyer and who has been conferring with the Senator on this bill, would state that that provision is utterly unenforceable, and that no court could operate under that section.

Mr. TAFT. If that be so, the Senator should have voted for the motion to recommit the bill. If the bill is so defective that when it states a crime, with the penalty, it is wholly ineffective, it ought to be rewritten so as to make it effective.

Mr. EASTLAND. Or written on the floor of the Senate so as to be effective. My amendment would make it effective.

Mr. TAFT. No. In the first place, the amendment imposes no penalty on the labor leader, because no leader is a representative for collective-bargaining purposes. He is merely the officer of the union. The representative for collective-bargaining purposes is the union itself, not the leader. I suppose the men could execute a power of attorney to authorize Mr. X, who is in fact a friend of the union, and appointed by the union, to represent them in a collective-bargaining agreement. There is no penalty against any leader. The penalty is against the union. It can no longer be the collective-bargaining representative of the men. To my mind, that is a wholly ineffective and useless penalty, and would do more harm than good.

Mr. BARKLEY. Mr. President, it seems to me that the amendment offered by the Senator from Mississippi is more unworkable than anything in the bill. It provides, under the conditions stated, that for a period of 5 years the persons involved—that is to say, the officers—shall not be deemed to be representatives, and the organization of which they are officers shall not be permitted for 5 years to engage in collective bargaining on behalf of the employees named, although the strike might be settled within a week or two or a month after the Government had taken over a plant, and the labor organization might reelect its officers who had had a part in the proceedings. They would not be eligible for 5 years, and the organization itself would not be able to participate in collective bargaining for a period of 5 years. It seems to me wholly unnecessary to inflict a provision like that, and I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. EASTLAND].

The amendment was rejected.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. TAFT. Mr. President, may I ask the majority leader whether the amendment which I submitted to him regarding section 4 would be acceptable? There are other amendments to be considered.

Mr. BARKLEY. I have before me three or four amendments which have been handed to me.

Mr. TAFT. I shall be glad to wait. I understand that another amendment will be offered.

Mr. MILLIKIN. Mr. President, may I ask the distinguished majority leader whether he has ready the amendment which has been suggested to section 9, which he intended to offer?

Mr. BARKLEY. I am prepared to offer at this time the amendment which I intended to offer to section 9. It may not be as comprehensive or cover the same ground as the amendment intended to be offered by the Senator from Colorado, but I think I shall now offer the one I contemplated offering, and we will see how it looks and discuss it for a few minutes.

Mr. MILLIKIN. I yield for that purpose.

Mr. BARKLEY. Does the Senator have the floor? I do not wish to have the Senator yield in his time. If I am to offer an amendment, I should like to have the floor. If I am to be permitted to offer my amendment now, I should like to have the floor in my own right.

Mr. MILLIKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. Mr. President, some confusion has arisen over the interpretation of section 9, and especially that part of it which begins in line 22 on page 6 and extends to the end of line 4 on page 7. It reads as follows:

> It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

After thinking over that sentence in section 9, I have reached the conclusion that it is unnecessary. In the first place, even if there were no law providing for just compensation for property taken by the Government, the Constitution of the United States provides for the payment of just compensation for property so taken, and that is a very clear provision.

Mr. AUSTIN. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I wish to call the attention of the distinguished majority leader to the following language contained in the Smith-Connally Act:

> The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

Mr. BARKLEY. I thank the Senator from Vermont. My view of this matter is that under the Constitution and under existing law, the President is compelled to award fair and just compensation for the use of any property taken, and that is regardless of the amount of income which may be taken in by the Government through the operation of the plant and regardless of any profits which might have accrued to the corporation if the Government had not taken it over or any profits accruing while the Government has possession of it and is in operation of it.

So the Government is, in effect, the operator in charge of the plant. It may be a bookkeeping matter, but of course the Government is responsible for the expenses of the corporation. It receives the corporation's receipts, whatever comes in by way of income. The Government has charge of the receipts. Regardless of whether the operation is profitable or unprofitable, the Government is obligated to pay just and fair compensation for the use of the property. Therefore, it is not necessary to say that if any profits accrue as a result of the operation, they should go into the Treasury as miscellaneous receipts.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. Before the Senator leaves that point, I wish to call attention to a case in One Hundred and Forty-eighth United States Reports, page 327—Monongahela Navigation Company against the United States. Not only is it unnecessary but it is unconstitutional for us to say what we are saying in this section of the bill. The question of just compensation is a judicial question, not a legislative question at all. I should like to place in the RECORD at this point the following language from the case I have just cited, which may clear up this point:

> By this legislation, Congress seems to have assumed the right to determine what shall be the measure of compensation. But this

is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of a political and legislative character; but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public, taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation.

Mr. President, the Constitution says that one from whom property is taken is entitled to just compensation. The fixing of what is just compensation is a judicial question, and this body has no right to legislate upon it. That is the law of the land.

Mr. BARKLEY. I thank the Senator.

Of course, Mr. President, as a matter of fact and as a matter of practice, where property is taken over by the Government, the amount of the compensation is adjusted by negotiation between the Government and the property owner. But if there were any disagreement about it, certainly the owner of the property would have the right to go into court to establish what was just and fair compensation, and nothing which Congress could write into the law would take away the right to do that.

I should like to make another point with respect to the use of the word "employees." The section says that it is the policy of the Congress, and so forth, that neither the employer nor the employees shall profit by reason of the Government operation. The only possible way by which an employee could profit would be to have his wages increased. He does not participate in the profits which are distributed among the stockholders. In that sense he does not share, anyway, in what we ordinarily call profits. But inasmuch as we have provided here that while the Government is operating the plant the Government may adjust the wages and working conditions, it certainly is inconsistent to say in the following section, which I am now moving to amend by striking out the language referred to, that the employees shall not be entitled to any profit, which might be interpreted to mean, if it were interpreted to mean anything, that the employee could not receive any adjustment of his wages, no matter how long the Government might hold and operate the plant.

Therefore, I hope this language may be stricken out, in the interest of clarity.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. The point the Senator from Kentucky is making is the same as the one I raised in the committee and also on the floor of the Senate the other day. In other words, the provision referred to in section 3 is entirely inconsistent with this provision of section 9.

Mr. BARKLEY. Yes.

Mr. HAWKES. So I am in favor of striking it out.

I was going to call attention to the use of the word "owners" in line 23, instead of the word "employers"; inasmuch as the Government would be the employer; but in view of the Senator's statement withdrawing that paragraph, I agree with him and I join him in the proposal that the whole thing be stricken out.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Let me point out in connection with the matter of a ruling by the courts in regard to what is just compensation that the language in lines 12 to 22 is unnecessary and would not receive consideration by the court because the courts, under the decision read by the Senator from Michigan and under the principle enunciated by the distinguished majority leader, would set up their own standards for determining just compensation.

So I suggest that the Senator from Kentucky modify his motion by moving to strike out the entire section.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MORSE. I, too, wish to say that I do not think section 9 is at all necessary because just compensation is to be determined by the courts, and one of the points I made on Saturday was as to the unconstitutionality of the bill, insofar as section 9 is concerned.

Although I was not present to hear the remarks of the Senator from Kentucky, I wish to point out that any language which is left in, with respect to having profits accrue to the United States, would be unconstitutional.

Mr. BARKLEY. Mr. President, I have moved to strike out that language.

I say to the Senator from Colorado that if we could arrive at a meeting of the minds that, under any provision for just and fair compensation, the Government and the courts can and should take into consideration the situation of the plant at the time when it was taken over; in other words, whether it was idle at the time and had been idle for some time, and therefore no profit was accruing during the period of idleness, that fact might be taken into consideration in determining what is just and fair compensation.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I assume that would be considered by the courts, and certainly the courts would take into consideration the situation of the property at that time, with respect to its use or idleness.

Mr. BARKLEY. Yes; the courts would take into consideration the status of the property at the time it was taken over, and the courts also would consider any improvements which might have been made while the property was in the hands of the Government, and they would also consider the condition of the property at the time when it was turned back by the Government.

Mr. MILLIKIN. Yes.

Mr. BARKLEY. I think those matters should be considered.

Mr. MILLIKIN. I feel so.

Mr. BARKLEY. Mr. President, I yield further to the Senator from Oregon; I assume that he had not finished with me.

Mr. MORSE. I say to the Senator that I think it is very important to realize that the consideration now occurring on the part of the Congress will be of the utmost importance in connection with the consideration of the bill by the courts. I wish to express complete agreement with the statement made by the Senator from Colorado, namely, that the question of just compensation is a judicial one. I say most respectfully to the Senator from Kentucky that it is not for us even to say at this time to the court that we think the court should be bound to take into account, in fixing just compensation, the fact that at the time when the Government took the property the workers were on strike, because I think that would be an invasion of the court's right in connection with the matter of deciding what is just compensation. I think it is necessary that we leave the matter of determining what is just compensation entirely to the court.

Mr. BARKLEY. The feeling which I have about this matter is the same as one which I had in connection with the amendment offered by the Senator from Ohio with reference to three or four different fields in which the President might operate. In fact, I think it would be even more difficult for the Senate to spell out or formulate a blueprint of the standard by which just compensation should be awarded. Inasmuch as it is a judicial matter and inasmuch as the courts have complete discretion to take into consideration the whole picture, it seems to me that this language is unnecessary.

Therefore, Mr. President, I modify my motion by moving to strike out all of section 9.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. When I read the decision of the Supreme Court I had in mind—and I have checked it now, and I find that I was in error—that the Senator had moved to strike out all the language fixing just compensation. I am of the opinion, as is the majority leader, that, under the Constitution, as I have indicated, that matter is purely a judicial question. Everything that is in section 9 that is constitutional is already in the law or in the Constitution, so the entire provision is of no value in the law.

Mr. BARKLEY. Furthermore, the fact that it is a judicial question does not preclude the parties themselves from arriving at an agreement with respect to what is fair and just compensation.

Mr. FERGUSON. I think that is correct. If there is a dispute, it is not a legislative question but a judicial one.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY] to strike out section 9.

Mr. THOMAS of Utah. Mr. President, I should like to speak briefly on the amendment.

We have had renewed evidence in the past 5 or 6 minutes with reference to the lack of wisdom in attempting to proceed in the way which has been suggested. We have also had evidence of the fact that no matter how bad the measure may be, we should go ahead and try to adopt it in some form. Moreover, Mr. President, in the discussion of a previous

amendment a message from the President of the United States was referred to, wherein the President vetoed the bill which was known as the Smith-Connally bill. In that message the President said that he would use the provisions of the Selective Service Act. What were those provisions? Under the Selective Service Act men were deferred because of being engaged in necessary occupations. The point which the President made was that if men refused to work in such occupations they would be inducted under the Selective Service Act into the Army of the United States.

Mr. President, there is a lack of patience being manifested on the part of our leader who has charge of the pending bill. Already he has accepted the suggestion that another section of the bill be stricken out. If it is said that there is not evidence of the fact that the bill was poorly considered in the first instance, we have such evidence in regard to the amendment which is now pending.

Allow me to show further how completely unfair it is to the President of the United States and to the previous President of the United States to compare the philosophy of President Roosevelt's veto message with that contained in section 7, which has already been stricken out.

Mr. President, at no place in section 7 is there reference to the Selective Service Act. The language of the section does not provide that men shall be inducted in accordance with the provisions of the Selective Service Act. What is of more importance, the present Selective Service Act will expire on July 1.

I use the section to which I have referred as an example. It is so strong in its possible effectiveness that any man, woman, or child who participates in a strike could be compelled to serve in the Army under rules and regulations drawn by the President of the United States, and not under rules and regulations of the Selective Service Act. Nothing at all is said about the change in status of men who have been deferred because of occupational necessity.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. HATCH. Is it not true that section 7, to which the Senator has adverted, refers also to section 2 which, in itself, refers to the Selective Service Act?

Mr. THOMAS of Utah. Yes.

Mr. HATCH. I understood the Senator to say that the language of section 7 contains no reference whatever to the Selective Service Act.

Mr. THOMAS of Utah. It contains no reference to the inductive part of the Selective Service Act. The part to which I referred reads, as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Mr. President, that language would include all persons, regardless of their qualifications. I do not disagree with the Senator from New Mexico who, of course, assumes that everything would be done in accordance with the selective-service law. The point I wish to make is that so much has been assumed, that we ourselves have discovered great mistakes to have been made. The arguments which we have recently heard have been in regard to whether certain provisions are in accordance with the Constitution.

Mr. President, it has been said that section 9 should be eliminated because that part of it which is valid under the Constitution is already the law of the land, and that the part of it which would be invalid would soon be declared so.

I again plead with the Senate to act wisely in connection with the pending measure. What if we pass the measure and the President signs it, and it is not put into force? Are not the Members of the Senate somewhat proud of the fact that they did not act as hastily as did the Members of the House of Representatives? I wonder if we are not even now in a frame of mind to act impulsively without exercising our best judgment.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY], as modified, to strike out section 9.

The motion was agreed to.

Mr. BARKLEY. Mr. President, I wish to offer a modification of section 6. That section now reads:

Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment * * * and if he is so reemployed shall be deemd a new employee for purposes of seniority rights.

The effect of that language is to inflict a greater penalty upon long-time employees than upon those who have recently been employed. In other words, it would inflict a most severe penalty upon the long-time employees. It might be that they had never engaged in a strike, and yet, because of what the President was doing in taking over the operation of the enterprise, they could be deprived of their seniority rights.

Mr. President, on page 5, in line 4, after the words "United States" I move to strike out "shall be deemed to have voluntarily terminated his employment in the operation thereof," and in line 10 on the same page after the word "'operators" to strike out "and if he is so reemployed shall be deemed a new employee for purposes of seniority rights."

Section 6 would then read:

Any affected employee who fails to return to work—

And so forth—

shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY].

Mr. WHERRY. Mr. President, will the Senator restate the amendment? There was some confusion when he read it before.

Mr. BARKLEY. I will read the section as it will appear after the language is stricken out:

Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operation while such plants, mines, or facilities are in the possession of the United States, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I believe that the amendment of the Senator, in that it disposes of that legal falsehood to the effect that a man has voluntarily terminated his employment when he has not done so, and in that it strikes out that part of the section as it now stands which would deprive a man of his seniority rights, is a very constructive amendment.

Mr. BARKLEY. I appreciate that. I might say to the Senator from Colorado that the language "shall be deemed to have voluntarily relinquished his employment" is undoubtedly taken from other statutes, when under certain circumstances, certain things are deemed to have occurred. They may be fictitious, but it seems to me in connection with the pending bill the language has no particular purpose, and therefore I am suggesting its elimination.

Mr. MILLIKIN. In this bill that language became a springboard for a lot of other things.

Mr. BARKLEY. Yes; and it would apply to every separate individual who came within its purview.

Mr. HAWKES. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I should like to have the Senator from Colorado, if he will, listen to what I am about to suggest, to see whether he does not agree with me that, in line 9, the word "voluntarily" should be put in front of the word "reemployed." It would then read, "unless he is subsequently voluntarily reemployed by such owners or operators." My reason for making the suggestion is that if an owner is forced by some Government agency—and I have known it to be the case——

Mr. BARKLEY. The word "voluntarily" is not there.

Mr. HAWKES. No, it is not in the place to which I am now referring. It

comes later—"unless he is subsequently voluntarily reemployed."

Mr. BARKLEY. I do not see any need for the word "voluntarily," because if it is a reemployment, it is bound to be an act of will on the part of the employer.

Mr. HAWKES. The Senator knows there are innumerable cases in which employees have committed great depredations, have committed serious offenses, and have been ordered taken back by an employer. The point I am raising is whether the employer should not have something to say about taking such an employee back.

Perhaps I have been misunderstood. I am talking about the employer having some right to act in his voluntary capacity in saying whether he wants to take back a man or not. I myself have been ordered to take back a man who had already put ten or eleven men in the hospital. It was only with the greatest resistance that I kept from taking him back. Do we want to force the employers of this country to take back men against their will?

Let me say to the Senator, so that I may not be misunderstood, I am very deeply interested in what the Senator is trying to accomplish, but I want to give the employer some rights in this matter, or we might just as well say that the free-enterprise system, the American way of making a living, is gone, if the Government is going to step in and take all rights from the owner or employer, and force him to take back men by the edict of some bureau.

Mr. BARKLEY. I do not think we are doing that, or even approaching such a status as the Senator from New Jersey has in his mind. There is nothing in this provision which takes away from the employer his right to reemploy. If under the Railway Labor Act or the National Labor Relations Act a group of men have gone out on strike, and in the meantime the dispute is settled, although they come within the terms of this section, is it the Senator's idea that the employer should be given the right, at the time when it is all adjusted, to say whether John Smith or Bill Jones or Jake Brown shall be employed, and if he does not see fit to reemploy them, notwithstanding they are taken back under a decision of these agencies, that he should be permitted to deny those men the right to employment? That is not my view.

Mr. SMITH. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SMITH. Under the National Labor Relations Act an employer is compelled to take an employee back even though he struck. Under the provision we are considering the employee is not regarded, for the purposes of the National Labor Relations Act, as an employee, and that rule would not apply.

Mr. BARKLEY. He ceases to be an employee. The status of the employee, just as in the bill we passed the other day, is eliminated, but it is restored if he is reemployed, whether under voluntary employment, or under an order of the National Labor Relations Board, or whatever board would have jurisdiction.

Mr. SMITH. An employer cannot be compelled to take him back because the act is not applicable to him in case he comes under this provision.

Mr. BARKLEY. I think the Senator is correct.

Mr. HAWKES. Mr. President, just a moment more, because I do not quite agree with what my colleague, the junior Senator from New Jersey [Mr. SMITH] has said. I do not agree that, under the National Labor Relations Act, the employer must always take back every employee who has struck, and I did not say that. There are cases in which employers are not forced to take men back. If the majority leader believes, and it is understood, that the employer is to have something to say about whom he takes back under the provision we are considering, then it is all right so far as I am concerned.

Mr. BARKLEY. I would not be willing, myself, to include a provision which would enable an employer to penalize an employee because he has gone out on strike when the strike has been settled and the bulk of the employees are going back to work.

Mr. CORDON. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I should like to inquire of the majority leader what sort of a situation the President would face if the section were amended as suggested, and if the bill were passed, and a strike should occur; and, of course, it is contemplated that one may occur, or we would not need the legislation.

Let us say there is a strike on a railroad, as there was a few days ago, that the men have gone out on strike, that the President has taken over the railroads, and called the men back. Let us suppose that 24 hours elapse and they have not come back, and they have thereby lost their status as employees, and are now just a part of the general public. With whom will the President negotiate, or with whom will the company negotiate, in order to make any sort of an agreement with reference to terms of wages or conditions of employment? Every man has lost his status as an employee; he could not negotiate under either of the negotiation acts.

Mr. BARKLEY. The Senator will recall that in the bill passed a few days ago the status of an employee was destroyed for the 60-day and the extra 5-day periods. So that during those periods the same situation would have existed; the status of employees would be suspended, would not exist. I think the language in the bill provided that the status would not be restored until or unless there had taken place reemployment of the individual involved.

What we have attempted to do here is to eliminate that part of the bill which says one shall be deemed to have voluntarily terminated his employment, and so forth. I think that language is subject to criticism for two or three reasons.

Mr. CORDON. I have no criticism at all of the suggestion that that provision be stricken out.

Mr. BARKLEY. We have also eliminated the language which destroyed one's seniority if he were reemployed.

Mr. CORDON. I am in entire accord with that.

Mr. BARKLEY. Let us say a hundred thousand railroad men go out on a strike. We provide that if the employee—

> Fails to return to work on or before the finally effective date of the proclamation * * * or who after such date engages in any strike * * * [he] shall not be regarded as an employee—

But he is still a member of an organization of which there is a spokesman representing him and others, and, of course, in that sort of case the President would do what he has done in the recent situation, and would do in all such cases, that is, he would carry on his negotiations with the representatives of the organization, because while a man loses his status as an employee for the time being, he does not lose his status as a member of an organization in which he has a spokesman to deal with the President.

Mr. CORDON. The Senator means there would be a representative charged with the power of negotiating with the Government, although his principals, being the employees who hire him, have not that status. That gives a higher level to the representative than it gives to the principal who employs him.

Mr. BARKLEY. They do not lose their status as members of the organization from which they have selected a spokesman to deal with the Government in this case.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. If I understand the measure correctly it provides for a collective bargaining by an organization of employees and those employees are the ones who give life to the organization, and if the employees have been thrown out, as not having any standing to negotiate collectively, I cannot quite understand how an organization of them would have any standing whatever.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Georgia.

Mr. GEORGE. May I make this suggestion? Even when an employee of any company which has been taken over by the President under this proposed act engages in a strike or slow-down or some other concerted interruption of operations, he does not entirely lose his status, because the language of the bill itself provides that he "shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators." So that he has a continuing status that may be perfected, so to speak, after he might have lost his standing under the National Labor Relations Act or the Railway Labor Act, to demand certain rights given him by those acts.

The courts in the very beginning held that where a group of workers went out on strike they did not necessarily terminate their relations to their employers. They still had a continuing right to re-

turn, and therefore to insist upon bargaining rights and other rights. This measure undertakes to do precisely that, because, while it says that the Government during the time that it has charge of the plant is not obligated to regard them as employees of the owners, nevertheless they do have certain rights which may be fully restored to them after they are subsequently taken back by the owners.

Mr. BARKLEY. The status of employees, as between employees and owners or operators, is suspended, but may be resumed upon the conclusion of the situation which results in their reemployment. That is the way I look at it.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Louisiana.

Mr. OVERTON. I find myself very much in accord with the suggestion made by the senior Senator from New Jersey. His suggestion is that in line 9, page 5, after the word "subsequently," the word "voluntarily" be inserted, so that the owner of the industry may exercise his own choice and will in the matter of reemploying the workers who have gone out on strike. I should like to hear some other reason advanced against the suggestion than that which has already been given. Let us assume a situation where the President has issued a proclamation in case of emergency calling upon the strikers to return to work. They do not do so, and the plant continues under Government control and operation. Finally the day comes when the whole matter is amicably settled. If the employer has not the right to determine whether he shall employ every single one of those men, then he is back in the same situation probably in which he started, and he might find himself face to face with another strike, because the organization may say, "Unless you employ A and B and C"—who perhaps were the worst agitators and who the employer would think would be detrimental to the organization to reemploy, then they may say, "We will have another strike," and they will all get back to the same situation in which they were before. Unless the employer has that right the recalcitrant employees, the striking employees, can organize to compel the employer to reemploy every one who was on strike.

Mr. BARKLEY. The section deals with the situation where the Government has taken over the property and is attempting to administer economic penalties for something the employee does while the Government is operating the plant. If the word "voluntarily" is inserted it would be placed within the power of the employer, after the Government has turned the plant back, to penalize an employee who, while the Government had the plant, was out on strike in violation of what is in this measure, which undertakes to administer economic sanctions against a violator of the Government order. So when we are trying to penalize somebody for what he has done with respect to the Government of the United States, it seems to me unwise after relationship has ceased to exist then to give to the employer the right to say that he will penalize an employee who went out on strike or who violated an order of the Government, while the Government had the plant. That is going too far. I do not believe I could concur in that viewpoint, because the section deals only with the employees who have failed to go back before the finally effective date, or who after the effective date have engaged in strikes or slow-downs or other concerted interruptions of the plant.

Mr. OVERTON. Mr. President, will the Senator yield again?

Mr. BARKLEY. Yes.

Mr. OVERTON. Perhaps I did not make myself clear. When all that has happened, and the property is turned back to the true owners, then the organization of labor can, acting as an organization, say, "We shall all be taken back, and we are going to be taken back on our own terms. We are going to be taken back and the provisions of the National Labor Relations Act, or the Railway Labor Act, as the case may be, shall apply to us, and every one of us shall be reemployed, or else we do not go back to work." Then there would be a renewed strike. I think the employer ought to have the right to exercise some volition in the matter.

Mr. BARKLEY. I think in that case it would be giving to the employer the right to penalize an employee for something he did while the Government was in charge of the plant. I doubt the wisdom of that.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I wish to ask the Senator from Kentucky whether this provision in line 9, is still in the bill as amended: "unless he is subsequently reemployed by such owners or operators"?

Mr. BARKLEY. That is still in the section.

Mr. LUCAS. Will the Senator tell me how that is going to work, and what rights the owners or the operators have under that language in the way of reemploying men who refused to go back to work after the President has given up the plant?

Mr. BARKLEY. My idea about it is this: We will say that the Government has taken over a plant. The employees have gone out on a strike after the Government has taken it over or they have failed to return to work if they are already out on strike. The Government takes over the plant. The men refuse or fail to go back to work. During that status an adjustment is made of wages or conditions, or whatever it was that brought about the interruption, and the Government turns back the plant to the owners. Let us say that it turns the plant back in the situation where the Government, as the employer, has agreed with the employees upon an adjustment of wages or working conditions. It turns the plant back to the owners in that status. Otherwise, there would be probably no reason for turning the plant back, because there would be just as much likelihood that there would be another immediate strike or disagreement as there was before the Government took the plant over. One of the objects in taking over the plant is not only to continue its operation and production, but to bring about an adjustment of the situation which resulted in the strike.

Mr. LUCAS. Let us assume a worker is still out when the Government turns the plant back to the owner. How is that individual affected? Does the employer under those circumstances have any right at all to say that he will refuse employment of the men who are still out, or must he take them back?

Mr. BARKLEY. I think that if an individual has persistently refused to resume his status as an employee and is still out when the Government turns the plant back to the owner and it comes into the possession of the owner, the owner would then have the right to determine.

Mr. LUCAS. Is not that exactly what the language means—"unless he is subsequently employed"?

Mr. BARKLEY. Yes, "unless he is subsequently employed," and reemployment implies that he is reemployed by the owner or operator.

Mr. LUCAS. In other words, as a result of his refusal to go back, and if he is still out when the plant is turned back to the employer by the Government, he is out for the purposes of the National Labor Relations Act or the Railway Act, and then it is up to the owner or operator of the plant to determine whether he will take him back.

Mr. BARKLEY. I think so.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. While the Senator from Illinois is on his feet, I wish to make a comment. I know we want to be realists in this matter. We do not want to write into the law provisions dealing with a lot of imaginary conditions which may never arise. I wish to tell the Senate that if the National Labor Relations Board orders an employer to take a thug back into his employ, the employer has to take him back or stand suit. That is the situation in actual practice.

Mr. BARKLEY. What the Senator——

Mr. HAWKES. I understand what the Senator from Kentucky has in mind. He is saying that this occurs while the Government has the plant, and any harm that is done is while the Government was the employer. That is what the Senator has in mind, I take it.

Mr. BARKLEY. I wish to call the Senator's attention to the fact that while this status is in existence the men are violating the orders of the Government if they refuse to go back to work, or remain on strike, or go out on strike. In that event, they cease to be regarded as employees for the purposes of the National Labor Relations Act or the Railway Labor Act, and therefore have no rights under those acts. They could not be forced back on the employer if they were still out participating in a strike. They would have robbed themselves of the status of employees which would enable them to come under the provisions of the National Labor Relations Act or the Railway Labor Act.

Mr. HAWKES. I thank the Senator for that explanation. Am I to understand him to mean that the Government has no power to make the former employer take the men back and restore their rights, and that the employer has the definite right to refuse to take them back?

Mr. BARKLEY. Absolutely, because if a man has lost his status and rights under the National Labor Relations Act or the Railway Labor Act, he is out, unless, when the Government turns the plant back, the employer reemploys him, which is a voluntary act. He could not go back under any order of the National Labor Relations Board, because he would have lost his status and rights under that act.

Mr. HAWKES. If the Senator is correct in his interpretation of the meaning of those words—and I think he may be—that definitely clears up the point which I had in mind.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Following up this chain of thought, if I correctly understand, if the owner or operator takes a man back he immediately becomes subject to any privileges or advantages which he previously had under the National Labor Relations Act or the Railway Labor Act.

Mr. HAWKES. May I say one word further? I do not wish to be misunderstood. I do not believe that any decent employer in the United States would want to be punitive or unjust, or impose on any man an unfair set of conditions, or inflict any injury upon him which was not more than justified. I would hold no brief for such an employer. But I want it understood that the employer has some rights in regard to taking back a man who might foment more strife and start the whole thing all over again.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. In connection with the point with regard to section 6, am I to understand the able Senator from Kentucky to indicate that if some of the employees—let us say members of a local union—terminate their employment by virtue of a violation of this section, the local union itself may negotiate, at least, for those who still remain in it?

Mr. BARKLEY. Undoubtedly. Those who are still in it, if they do not violate these provisions, do not lose their status as employees.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. And they do not lose their rights under the National Labor Relations Act or the Railway Labor Act.

Mr. FERGUSON. So the local union could go ahead and negotiate, at least, for those who remained in it.

Mr. BARKLEY. I think there is no doubt about that.

Mr. FERGUSON. Let us assume a case in which they are all out, and the local union, the entity itself, which we seem to recognize—because in the Case bill we have said that it may be sued as such, and service may be had on one or more of the officers—still exists. Does the union still exist for the purpose of negotiation provided it does not violate section 6 of the Smith-Connally Act? I have had great difficulty in seeing how a local could negotiate with respect to the men going back to work and not at the same time keep them out in case the union did not agree to the terms of the employer, the Government of the United States.

Mr. BARKLEY. If all of them went out in violation of this provision in section 6, they would all lose their rights under the National Labor Relations Act and under the Railway Labor Act.

Mr. FERGUSON. Then the entity, or union, could not operate.

Mr. BARKLEY. The entity then might still negotiate with the Government, which is in operation. But it would not come under the National Labor Relations Act. The men would have no rights under the National Labor Relations Act, because their status and rights under that act would have been suspended. I feel sure that the Government itself could negotiate. It would obviously be impossible ever to settle the dispute unless the Government, while in operation, could carry on negotiations which would result in resumption of the operation of the plant or facility.

Mr. FERGUSON. Let us say, for the purpose of the discussion, that the men would not have any rights under the National Labor Relations Act. The Board could not interfere and say, "You must make such and such a contract."

Then we come to section 6 of the Smith-Connally Act——

Mr. BARKLEY. I do not have it before me.

Mr. FERGUSON. Let me read it to the Senator:

> Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person—

I take it that would include the entity, the local union, as well as the members—

> (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere, by lock-out, strike, slow-down, or other interruption, with the operation or such plant, mine, or facility—

In other words, a local, or any member, could not do anything——

The PRESIDING OFFICER. The time of the Senator from Kentucky on the amendment has expired.

Mr. BARKLEY. I do not wish to take time on the bill now. The Senator from Michigan may be recognized.

The PRESIDING OFFICER. The Senator from Michigan [Mr. FERGUSON] is recognized.

Mr. FERGUSON. Under section 6 of the Smith-Connally Act no person can even encourage another person to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant. I take it that if the local union itself, or any member were negotiating——

Mr. GEORGE. May I most respectfully suggest that the whole philosophy of this bill is that there is no absolute right to strike? It is based upon a limitation of the right to strike against the Government in certain circumstances. The Government can continue to negotiate with every single man in the plant, or on the mine or railroad, as an individual, or it can negotiate with a representative of a group, if it so desires. The men simply have lost their status under the National Labor Relations Act and the Railway Labor Act, until the owner finally comes along, when the property comes back into his hands, and says "I wish to take those employees back." If he does so, then all their rights are restored to them. What power is there to prevent the Government of the United States from negotiating with Tom, Dick, Harry, Bill, or anyone else, or the representatives of any group, simply because the men themselves, by their conduct, may have lost their status under the National Labor Relations Act? That is all there is to it. The whole philosophy of the bill is that there is no absolute right to strike against the Government. The bill simply provides that if the employees engage in a strike against the Government, they lose certain rights.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. It seems to me, as I recall section 6 of the Smith-Connally Act, that it declares certain things unlawful.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. There must be a penalty invoked for those unlawful acts. This section of the pending bill does not declare anything unlawful. No crime is committed. The men simply lose their status as employees under the National Labor Relations Act and under the Railway Labor Act. They do not resume that status unless and until they are reemployed; but no penalty is assessed against them. This is purely an economic sanction. They lose certain rights if they do certain things. The philosophy of section 6 of the Smith-Connally Act is entirely different from that of this bill. As I recall, under the Smith-Connally Act there is a penalty for violation of that section.

Mr. RADCLIFFE. Mr. President——

Mr. FERGUSON. I should like to clear up one point. It is true that there is a penalty in section 6 of the Smith-Connally Act. That is why the United States Government, not recognizing any strike, and agreeing that there cannot be a strike against the Government, naturally can negotiate with the union, even though the union violates section 6 of the Smith-Connally Act, and even though a man were encouraging others to stay out on strike unless they received a certain contract.

I think the Senator from Georgia is correct when he says that the Government, even though those with whom it is negotiating have violated the law, may continue to negotiate with those men, even though they are subject to the penalty of section 6 of the Smith-Connally Act. But that would not stop the Government from prosecuting them at the same time under section 6 of the Smith-Connally Act.

Mr. BARKLEY. They might be prosecuted under that section, but they could not be prosecuted under the provisions of the pending bill.

Mr. FERGUSON. That is correct. There is no penalty under section 6 of the pending bill. Therefore, they are

penalized only to the extent of losing their rights under the National Labor Relations Act and the Railway Labor Act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TAFT. As I read this provision, it applies to every employee who engaged in the strike. It does not apply merely to officers.

Mr. BARKLEY. That is correct.

Mr. TAFT. After they have struck against the Government, when they come back to be employed by the employer, the Government will no longer reinstate them as employees of the employer under the National Labor Relations Act, as it probably would do if section 6 were not enacted. I do not see that there is any difficulty about the employer negotiating with the union if he wishes to do so, just as the Government may do. But he may no longer be forced to take those men back. That is the only point. If they are all subject to this penalty, he may be under no obligation to negotiate with a particular union, but he may negotiate with that union. I see no reason why he should not—and in all probability he would, because they would be the people with whom he would wish to deal.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. GEORGE. I think the Senator from Ohio is entirely correct. We are all overlooking the fact that even in the first instance the President may forgive them for striking, and let them go. In that event, apparently they would not lose any rights. But certainly the Government at any stage can negotiate with individuals or organizations as it pleases. And certainly when the Government steps out, the owner can come in and negotiate with individuals or with unions. But under this language, as I interpret it, the employer would have the right to say to the union, "There are certain men with respect to whom we do not care to establish employer-employee relationships, because they were guilty of sabotage and committed criminal acts during the time the Government had charge of our property."

Mr. RADCLIFFE and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield, and if so, to whom?

Mr. FERGUSON. I yield first to the Senator from Maryland.

Mr. RADCLIFFE. I desire to ask a question in regard to seniority rights as affected by the last two lines of section 6, reading as follows:

> And if he is so reemployed snall be deemed a new employee for purposes of seniority rights.

Mr. BARKLEY. I am proposing to strike that out.

Mr. RADCLIFFE. The Senator proposes to strike out all of that section?

Mr. BARKLEY. Yes.

Mr. FERGUSON. Yes; the Senator from Kentucky moved to strike that out.

Mr. RADCLIFFE. With that language stricken out, the employer still has no discretion, I assume, with regard to the matter of the determination of seniority rights. He has a right to reemploy any individual, but in doing so he cannot make any new order of precedence in regard to seniority rights, as I understand the matter. Such rights would be determined otherwise presumably by the National Labor Relations Act or the Railway Labor Act. The employer can reengage a former employee but he has nothing whatever to do with setting up any standard in regard to the seniority of such employee.

Mr. FERGUSON. As I understand, the National Labor Relations Act in and of itself does not create seniority rights, nor does the Railway Labor Act in and of itself create seniority rights. The contract between the employer and the employee is what provides for seniority, and I take it for granted that the able Senator from Kentucky desires to strike out this reference to seniority because we do not care or desire to interfere with that right of contract, which we want to recognize, and in fact we want to sponsor such a negotiation between the employer and the employee.

Mr. BARKLEY. The Senator is correct.

Mr. RADCLIFFE. At any rate, would it not be that the employer, in taking back the employee, would not have any discretion in regard to modifying any status of seniority? Is that correct?

Mr. FERGUSON. That would be true, except as the contract might provide, if there were a contract.

Mr. RADCLIFFE. In other words, at the time of reemployment the employer could not set up any new terms or conditions or any new standard regarding seniority. Is that the situation?

Mr. FERGUSON. I think so.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. LUCAS. I should like to call attention to the fact that in the event the individual who is not on strike fails to return before the plant is turned back to the owner or manager, under this bill it becomes the sole right of the owner or the manager to reemploy that individual. If the worker who was out had seniority rights, and if he failed to be reemployed, of course he would lose his seniority.

Mr. RADCLIFFE. Of course. But if he is reemployed——

Mr. LUCAS. If he is reemployed, then, as I understand this measure, he returns to the exact status he had before he went out unless the contract prescribes something different.

Mr. RADCLIFFE. And the employer has no right to modify that.

Mr. LUCAS. Exactly.

Mr. FERGUSON. In other words, the bill, if enacted, would not touch seniority. It would be determined by the contract rights between the respective parties.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. All the employee would lose would be his rights under the National Labor Relations Act and the Railway Labor Act, neither of which, as the Senator has said, set up seniority rights. Such rights have been a matter of contract over a long period of years between the employer and the employees, and they are not touched in any way by either of those acts.

All this section does is to say that the employees take themselves out from under the provisions of those two acts if they violate this provision.

Mr. RADCLIFFE. Mr. President, will the Senator further yield?

Mr. FERGUSON. I yield.

Mr. RADCLIFFE. If seniority is determined by contract, does it preclude the possibility of making a new contract or a new arrangement as to seniority?

Mr. BARKLEY. Oh, no.

Mr. RADCLIFFE. Must it be determined by the old contract?

Mr. FERGUSON. Yes; if the employee had such rights under a previous contract; or it would be determined under a new contract, if one were made.

Mr. RADCLIFFE. In other words, if the employer does take back the employee, he can do so only subject to the existing contract, so far as the question of seniority is concerned?

Mr. FERGUSON. I take it that that is true under the proposed act.

I believe that the Senator from Illinois had in mind in one of his amendments to the so-called Case bill an idea which other Senators had in mind, namely, that if the employee were taken back, it would be against public policy to restore his seniority. At least we discussed that question. But in this measure we do not do that. In fact, if this language is stricken out—and personally I believe it should be striken out—we simply do not touch the subject of seniority. We leave that solely to the contract rights of the respective parties.

Mr. RADCLIFFE. Does the Senator mean under the old contract, or the new contract which is made at the time when the reemployment occurs?

Mr. FERGUSON. I mean either the old one or the new one. If the old one is still in effect, naturally it can carry on. If they desire to do so, they can make a new contract and in it they can provide for all the rights.

Mr. BARKLEY. If the act of the employee under this section is such as to vitiate his right to seniority, then, of course, it would automatically terminate. But it can be renewed. If, however, he has with the employer a contract which provides that, regardless of any work stoppage or strike, if he is reemployed his seniority shall continue, that will take care of the matter.

So it depends upon the kind of contract which exists between the employer and the employee.

Mr. FERGUSON. I think the Senator is entirely correct.

Mr. RADCLIFFE. I understand the Senator to say that there might be determination of seniority under either an old contract or a new contract. If there were a new contract, how could it affect the seniority of employees who had not struck?

Mr. BARKLEY. Of course, if they do not strike, this section does not apply to them.

Mr. RADCLIFFE. No; the Senator did not understand my question.

Mr. BARKLEY. Perhaps not.

Mr. RADCLIFFE. Let us assume that there are three employees, having orders

of seniority 1, 2, and 3. Let us assume that 1 and 2 strike, and later they are taken back. Does the Senator from Kentucky understand that the employer would take them back and put them ahead of No. 3?

Or, let us take another case as an illustration: Suppose 2 and 3 strike, and later both come back. Of course, they cannot be put ahead of No. 1 in any way. In other words, the rights of employees who did not strike could not in any way be affected, could they, by any new agreements in regard to seniority?

Mr. BARKLEY. I think the employees who do not strike retain whatever seniority they have enjoyed all the time under the contract with the employer. If No. 2 and No. 3 were to strike, and later were to be reemployed, the question of their seniorities—that is, their resumption of the seniority they had before they went out on strike—would depend on the contract they had with the employer. I do not think they could be put ahead of No. 1.

It is hard to visualize the actual situation existing in such case. But if all of them are working at the same job and if one has a longer seniority and ranks as No. 1, certainly if No. 2 and No. 3 went out, and later returned and resumed their original status, that would not put them ahead of No. 1, because they would resume the position they had before the strike took place. So I do not see any difficulty there.

Mr. RADCLIFFE. Of course, there would be this difference: If No. 1 and No. 3 struck, then No. 2 would automatically take the place of No. 1 and would have the position of No. 1, unless No. 1 were reemployed.

Mr. BARKLEY. Not necessarily.

Mr. RADCLIFFE. Why not? And if No. 1 and No. 3 struck, then if No. 1 were out, No. 2 would automatically take the position which No. 1 had. Does that mean that he would automatically take the position which No. 1 had, but if No. 1 came back later on No. 1 would be returned to his former status?

Mr. BARKLEY. If No. 1, who, let us suppose, is at the head of the list, goes out on strike during the time when the Government is operating the plant, he loses his status as an employee under the National Labor Relations Act and under the Railway Labor Act.

Mr. RADCLIFFE. And then No. 2 becomes No. 1.

Mr. BARKLEY. Not necessarily. The status of No. 1 is in suspense.

Mr. RADCLIFFE. How long in suspense.

Mr. BARKLEY. So if he comes back at the end of the strike and if he has with the employer a contract which entitles him to the status he enjoyed when he went out, no one can be placed ahead of him by reason of his having gone out on strike, because he resumes the same position which he had before he went out.

Mr. RADCLIFFE. How long does that status remain in suspense? The language of the bill says, "If he is reemployed." Reemployed when? Immediately? Or at some later time?

Mr. BARKLEY. When the Government turns back the plant.

Mr. RADCLIFFE. It says, "Unless he is subsequently reemployed." That might be at a time quite some distance away.

Mr. BARKLEY. We could not say "previously reemployed."

Mr. RADCLIFFE. No, of course not. But suppose the plant is returned and suppose No. 1 is not reemployed at that time. Then No. 2 will automatically take the position which No. 1 had. But suppose that after some period of time—"subsequently," whatever that might mean in that particular instance—No. 1 is brought back.

Mr. BARKLEY. Mr. President, I am taking all the time of the Senator from Michigan.

Mr. FERGUSON. That is all right, because I practically took the floor from the Senator from Kentucky.

I should like to answer on the basis of my understanding of this measure the last question which was asked by the Senator from Maryland. The Senator said that if No. 1 quits the employment, and if No. 2 remains in the employment, and if No. 3 quits——

Mr. RADCLIFFE. Yes, that was my hypothesis.

Mr. FERGUSON. If a contract is in existence and if he returns to work under his contract, if the contract provides that No. 1 is entitled to No. 1 seniority, he would have it. But if the contract terminates in the meantime, I take it that the union and the employer can make any contract they see fit to make and can negotiate any kind of contract in relation to seniority. The contract could provide that No. 1 be put at the bottom of the list if the union sanctioned such action or he could be put at the top.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. HAWKES. I believe that the majority leader has put the situation very clearly. In other words, what the language does is this: If the employer reemploys the person he will retain his rights under the National Labor Relations Act, and under the Railway Labor Act. A contract might easily provide and very specifically say that if a man goes on strike or ceases to work, or quits his employment, he will lose his seniority rights. The matter is purely one of bargaining between the parties. When the contract terminates, the parties have a right to make a new contract with new conditions.

Mr. RADCLIFFE. Does not the Senator believe that the word "subsequently" is rather vague in this special use? If the plant is returned to the owner, and No. 1 worker remains out, but is reemployed later, No. 2 will go automatically into the status of No. 1. Some time later No. 1 is reemployed, not at the time the plant is returned to the owner, but at some time subsequent to that. What is then the situation with regard to worker No. 1 and worker No. 2? If No. 2 is temporarily in place of No. 1 whose right to return is in suspense, how long would that temporary or suspense period continue? There must from a practical standpoint be some limit to such continuation.

Mr. FERGUSON. Mr. President, I have no trouble with the word "subsequently" because I have seen contracts by which a man could be out of employment with the company for 3 months, and upon his return he would be given his former seniority status.

Mr. LUCAS. Every case will depend upon the particular circumstances involved. If such a case as has been cited by the able Senator from Maryland by way of example should actually occur, those who had the right to exercise bargaining power would take the situation into consideration and make a contract accordingly.

Mr. FERGUSON. I believe the Senator is correct.

Mr. PEPPER. Mr. President, in the Smith-Connally Act there was an expressed reservation to the effect that nothing in the act would be construed to prevent an individual worker from ceasing to work. The act contained a prohibition against a labor leader encouraging and fomenting a strike. However, at that time it was considered that the Congress of the United States would not compel any man to work for his employer or for the Government of the United States. So, while we made it a prosecutable offense under the Smith-Connally Act for a labor leader to foment a strike, we expressly reserved the right of the individual worker to quit work, even for the Government. If, therefore, there is any penalty at all to be inflicted upon the worker who wishes to quit work, we have reversed the policy which we adhered to even as late as when we passed the Smith-Connally Act.

Mr. President, I refer to that fact because there is still left punitive language in the section which we are considering.

Mr. BARKLEY. Mr. President, will the Senator yield? I did not understand his statement. I was interrupted in my attention to him.

Mr. PEPPER. I say that there is still punitive language against an individual worker who, of his own volition, ceases to work, even if the amendment of the Senator from Kentucky should be adopted. I favor the amendment, but I wish to emphasize that if we adopt the amendment we depart from the reservation which we made in the Smith-Connally Act, and for the first time the Congress adopts a concept that an individual worker may not quit work without being subjected to a legal penalty.

Mr. President, I wish to show why I say that. Section 6 reads as follows:

> SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States—

And now leaving out what the Senator from Kentucky wishes to strike out from the section—

> shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is

subsequently reemployed by such owners or operators.

Mr. President, why do I say that the language which I have read provides for the imposition of a penalty upon an individual worker who ceases to work? Because I have before me a copy of the National Labor Relations Act, and on page 4 of that act, in sections 7 and 8, there are defined the rights of employees under the act. Those rights are empowered by section 6 which I have just read. Here are the rights of the employers under the National Labor Relations Act:

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

Mr. President, among those rights are collective bargaining, mutual aid, and concerted action. Yet I believe that I can show that the employer is being made the punitive agent of the United States Government to inflict on the worker any deprivation of these rights which he may care to inflict. I shall try to prove that by a reading of the section. I repeat:

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

Mr. President, nothing could be clearer than the fact that one of the rights which were conferred upon the workingmen by the National Labor Relations Act was the prevention of the employer from exercising discrimination against the workingmen because they joined a union. He could not affect their job or their seniority, or in any other way adversely affect them because they joined a union. Allow me to again read the language:

(3) By discrimination in regard—

Mr. President, this is one of the things which is forbidden to the employer as against the employee under the National Labor Relations Act, and we would strip it away from the employee, even if the amendment of the Senator from Kentucky were adopted. I wish to read again:

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization—

And so forth. Mr. President, what do I mean with reference to the applicability of that section even if the amendment of the Senator from Kentucky should be agreed to? It has already been admitted during the course of this debate that the employer is the sole judge of whether he will take back the worker who has been on strike. We, as a Congress, are asked to give the employer the right to take back the worker under any conditions which he may impose, and we cannot in any sense of the word limit those conditions. What would the employer probably do? The men who have been the officers of the union, the men who have been active in participating in the strike, the men who have been a thorn in the sides of employers will be the ones who will not be given back their jobs. If they do get them back the conditions under which those men will be given their jobs will not be limited in any way. Therefore, Mr. President, for the first time within my knowledge we are about to deprive citizens of their legal rights, and we are giving to a private citizen the right to judge whether or not, and the degree to which the worker, who is also a private citizen, shall be deprived of and denied his legal right.

I apologize for my tardiness in yielding to the able Senator from Oregon.

Mr. CORDON. Mr. President, I appreciate the Senator yielding at all in the midst of his argument. I apologize for interrupting him.

The presentation of the Senator relates to rights which may be lost under the bill. I think that is correct. But I wanted to observe that it is within the power of those who are affected by the bill to save themselves those rights, as I view it, by simply returning to work for the period of time the Government itself is operating the particular plant or facility. Is that the Senator's understanding of the application of the bill?

Mr. PEPPER. The Senator is correct, Mr. President, in that the time when the failure of the worker to work subjects him to this penalty is the time of the operation of the industry by the Government. That is correct. But the Senator will allow me to suggest something else. For striking during the time the Government is operating the enterprise we do not punish the man as an individual under this section; we give the private employer the right to punish him when we turn the plant back to the private employer. If we are to say, "You cannot strike against the Government," why do we not let the Government be the only one to impose the penalty, and not turn the man over to the tender mercies of the employer when the Government restores the plant to the employer?

If we are willing to establish the principle that a private worker has to work for the Government, even by coercion, then at least let us provide that the Government shall be the judge of the offense and the penalty to be imposed if the worker violates the prohibition.

Mr. TYDINGS. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I should like to ask the Senator from Florida whether as a practical matter, when the Government turns the plant or the railroad or the mine back to the owner, and ceases to operate it as the temporary owner, there would not then in all probability be a contract made between the employees and the employer. I should like to get that premise straightened out, because I want to ask the Senator a question based on it.

Mr. PEPPER. It would depend entirely on the parties. As I see it, if this section were the law, and men went out in violation of this prohibition, they would approach the employer as if they had never worked in the plant. The previous relationship between them would be null and void, and whether there was a contract, and what the contract would be, would depend entirely on the bargaining of the parties.

Mr. TYDINGS. I am very much impressed with the argument of the Senator from Florida, but I am trying to find a solution, and I think the solution would be what I am about to state.

Let us suppose the railroad men are out on strike; let us suppose the Government takes over the railroads, and asks the railroad men to come back and work for the Government; and let us suppose the railroad men who are out on strike come back and work for the Government. I would take it the Government would continue to operate the railroads, and while they were operating the railroads, the owners and the employees would negotiate a new contract. Otherwise the Government would continue to operate the railroads.

Mr. PEPPER. That might be so.

Mr. TYDINGS. In the case I have mentioned, then, I would assume that if the owners and the employees do make a new contract, labor leaders being practical, realistic men, it would contain provisions which would protect those who had been on strike prior to the time the Government took over the railroads, and in that case there would not be any difficulty. Does the Senator concede that, in that particular ideal case?

Mr. PEPPER. I take that supposition case, and say it is possible.

Mr. TYDINGS. Now let us take another case; let us take the case where the workers are out on strike—we will assume again, for the sake of the argument, that it is a railroad strike—the Government takes over the railroads and asks the workers to return to work, and the workers refuse to do so; that then there is a negotiation between the new owners and the railroad employees which penalizes the worker who refused to work for the Government. Does the Senator feel that the method of the imposition of the penalty is the thing he is discussing rather than the penalty itself, in the situation I have presented?

Mr. PEPPER. Mr. President, it is difficult for me to distinguish between the two, because if the employer has the power to impose any condition he would like to impose, then he may affect seniority, he may affect the kind of job the worker gets, he may affect whether he may join the union or not.

Mr. TYDINGS. Yes, but the worker in the case I have supposed would bring the penalty on his own head by refusing to work for his own Government in an hour of great crisis, and my sympathies would not be as great for him as if he

had opportunity to restore his seniority by working for the Government through the emergency, and then were penalized for some act outside of that circumstance.

Mr. PEPPER. I quite understand the point of view of the Senator from Maryland, but what I am trying to emphasize is that for the first time, and for the first time in our consideration of this bill, when we are dealing with this section we have considered sanctioning the imposition of a personal penalty upon the worker who individually declines to work for the Government. That is the first thing I am trying to emphasize. That is contrary to the reservation of the Smith-Connally Act, that the right of the individual to stop work is not impaired.

Mr. FERGUSON. Mr. President, will the Senator yield on that point?

Mr. PEPPER. In a moment. I ask Senators whether we are prepared to reverse the philosophy we wrote into the Smith-Connally Act and now say that if an individual, even without his act being fomented or brought about by a labor leader, determines not to work, we are going to inflict a penalty upon him for not working. If we do that, is that in violation of the Constitution of the United States respecting the imposition of penal servitude without a man having been adjudicated guilty of a crime?

I now yield to the Senator from Michigan.

Mr. FERGUSON. I take it for granted that the able Senator from Florida has in mind section 6 of the Smith-Connally Act, and particularly these words:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

It will be noticed that the section says, "No individual shall be deemed to have violated the provisions of this section." "This section" is section 6. The next provision, (b), is on the next line after the word "employment," and reads:

> (b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

There is an exception to those words, and that is when the employee himself ceases work.

Mr. PEPPER. That is correct. Will the Senator tell us, while he is construing that section, what is the offense prohibited by the section?

Mr. FERGUSON. The offense prohibited by the section is this:

> It shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lockout, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Then comes the word "No," and the provision I have read.

Mr. PEPPER. Will the Senator pause there for a moment?

Mr. FERGUSON. Yes.

Mr. PEPPER. That is a prohibition against any leader either inducing a strike or encouraging it, or paying unemployment benefits, but it goes further to make clear that it is not designed to deprive the individual worker of the right to quit work if he wishes to do so.

Mr. FERGUSON. That is absolutely correct, if the Senator will yield to me for a moment. But it will be noted that the exception is only for the benefit of section 6 of the Smith-Connally Act because it says "this section."

Mr. PEPPER. That is correct.

Mr. FERGUSON. The penalty is only for a violation of section 6 of the Smith-Connally Act.

Mr. PEPPER. That is correct.

Mr. FERGUSON. Therefore, when we pass a new section 6—and let us refer to the bill now before us as the President's bill——

Mr. PEPPER. I do not think we do it any violence if we adopt that appellation.

Mr. FERGUSON. There is no criminal penalty in that section, except that the employee shall lose his rights under the National Labor Relations Act or the Railway Labor Act. That is the penalty. But as I view it, we cannot say that the penalty under section 6 of the Smith-Connally Act has anything to do with section 6 of the President's bill.

Mr. PEPPER. Will the able Senator from Michigan go along with me to this degree? Will he agree that there is nothing in the Smith-Connally Act that subjects the individual worker to any penalty whatever for not working even for the Government?

Mr. FERGUSON. I agree wholeheartedly with the Senator, because there is an exception in section 6 to the effect that no man may be required to work unless he wants to work. He can cease work if he wishes to.

Mr. PEPPER. Will the Senator go with me one step further and agree that if by this section we inflict any penalty upon the individual worker for stopping work, even while in the Government employ, it will be a departure from existing law?

Mr. FERGUSON. I agree wholeheartedly with the able Senator from Florida that it will be a departure from existing law.

Mr. PEPPER. The Senator from Michigan has been characteristically fair.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHERRY. I wish to ask the Senator a question. I have particular reference to the seniority rights which will be lost under the Railway Labor Act. Let us say that a railroad employee fails to go to work during the Government operation of a railroad. Let us assume he is on strike during the Government operation. He might even be afraid to go back to work. When the Government hands the railroad back to the operator, is it the Senator's understanding that unless the railroad employs that employee who failed to work during Government operation, the employee loses his seniority rights?

Mr. PEPPER. That is correct.

Mr. WHERRY. And the employer can decide whether he will or will not employ that employee under the provisions of this section?

Mr. PEPPER. Yes; or he may reemploy the employee under any conditions he may fix.

Mr. WHERRY. That is the Senator's interpretation of section 6, as it now is in the measure?

Mr. PEPPER. Yes; that is correct. I do not think that interpretation can be challenged.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I ask the Senator from Florida if the argument he has made is based upon the fact, as he says, that the penalty as provided by section 6 is in effect actually put into execution by the employer?

Mr. PEPPER. That is correct; by the private employer after the Government turns the property back to the private employer.

Mr. HATCH. Yes. Of course the penalty would not apply while the property was in the possession of the Government. Then when the Government turns the property back to the employer, the employer is under no obligation to reemploy?

Mr. PEPPER. That is correct.

Mr. HATCH. The man would have no benefits under the various labor acts unless he were reemployed.

Mr. PEPPER. Yes. The vice of it is, Mr. President, that we would strip that individual employee of any protection because of what his former employer may do to him, not for what he did to the employer, but by hypothesis, for what he did to the Government of the United States. In other words, we say that "because you violated your duty to work for the Government of the United States we will turn you over to the tender mercies of your former employer when he gets the business back."

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. PEPPER. Yes.

Mr. HATCH Of course that could be easily corrected. If Senators thought it was sufficient offense for a man to refuse to work for his government in time of crisis, all that would have to be done would be to put a period after the word "act" in line 8, which would deprive him absolutely of his rights under the National Labor Relations Act or the Railway Labor Act, because he did do the thing about which the Senator has been talking, that is he refused to work.

Mr. PEPPER. Yes.

Mr. HATCH. But then it is not left to any discretion on the part of a private employer. That situation might be cured very easily in the manner I have just suggested.

Mr. PEPPER. No; it would not cure the situation, because it would accomplish substantially the same result. The

meaning of that language would be that if the employee were stripped of his rights under the two acts in question, then he would not have any protection of law against the employer.

Mr. HATCH. The point I was making is that it would do away with the vice, and I admit that it sounds like a vice, of letting a private employer inflict a penalty.

Mr. PEPPER. Yes; that is what I think.

Mr. HATCH. If the penalty should be inflicted, perhaps the Government should inflict it.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. If after the words "unless he is subsequently reemployed" the words "by the Government" were inserted, would that not cure the vice the Senator speaks of? Suppose a man works for a railroad, and suppose a strike occurs. Then let us assume the Government takes over the railroad, and the man is still on strike. After the Government has taken over let us assume the man returns to work. In such a case, if the language were "unless he is subsequently reemployed by the Government" it seems to me it would cure the defect the Senator spoke of.

Mr. PEPPER. That would go a long way toward obviating the vice which exists. It would give the Government the power to allow a man to repent. He may not come back on the day the President says "come back." He may be willing to come back the next day. Yet if he came back the second day, under this section no matter if he worked for the Government the rest of the time the Government operated the railroad, the private operator could do anything he wanted to do with the man when the railroad was returned to him.

Mr. WHEELER. The man might have a valid excuse for not returning to work, but the individual who had charge of the operation by the Government might not excuse him. He might say that the worker was faking or something of that kind. But if the worker comes back and works for the Government and the Government accepts him back it seems to me he should not be penalized.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. I should like to ask the Senator from Florida a question. Here are a number of men who come back and are subjected to no economic penalties so long as they come back while the Government has the plan in operation. There are other men who do not come back. They are still striking against the Government. I should like to ask the Senator what he thinks ought to be done with the few men, we will say, who refuse to return to work under those conditions? Perhaps the Senator already has explained that while I was out of the Chamber.

Mr. PEPPER. No; I have not, Mr. President. The able Senator from Illinois will understand that he and I have an opposing philosophy in dealing with this subject. I think if the bill were stripped down to the part which would permit the Government to take over the enterprise—and I voted against the amendment earlier today that would have narrowed the scope of the Government's authority—and if the Government, once having jurisdiction, would have authority to fix wages and hours, then it could settle strikes as it settled the coal strike. Personally I do not favor the infliction of any labor penalties.

The PRESIDING OFFICER. The time of the Senator from Florida on the amendment has expired.

Mr. PEPPER. I do not know whether I have talked on the bill or not. If I have not spoken on the bill, may I take part of my time of 30 minutes on the bill now?

Mr. BARKLEY. The Senator can take a part of it, but if he does he cannot take the rest of the time to speak on the bill later.

Mr. PEPPER. In that case I should like to offer an amendment to the amendment offered by the Senator from Kentucky.

The PRESIDING OFFICER. That will be in order.

Mr. PEPPER. Mr. President, I shall desist until the amendment offered by the Senator from Kentucky, which I favor, is voted upon. Then I can address myself to another amendment.

Mr. BARKLEY. Mr. President, I merely wish to ask Senators to remain in the Chamber. I have been asked whether we should proceed during the evening. I think we can finish the bill in an hour or two at the most. I hope Senators will remain so that when we have concluded action on this bill we can take up the draft bill, which is in charge of the Senator from South Dakota [Mr. GURNEY] and make it the unfinished business.

Mr. WHITE. Mr. President, I wanted to ask the Senator from Kentucky whether at the conclusion of the consideration of this bill there will be a recess taken until Monday.

Mr. BARKLEY. No. It is contemplated that there will be a session tomorrow, even if we finish this bill tonight, because the Senator from South Dakota wants to make the draft bill the unfinished business, and I think we ought to work on it tomorrow. The Senator from Georgia [Mr. RUSSELL] is anxious to have the agricultural appropriation bill taken up. There are other bills which should be considered, and I think we would not be justified in taking a recess over until Monday.

Mr. WHITE. I am in complete agreement with the Senator as to that. I simply wanted to know whether, if the bill is passed tonight, there will be nothing further tonight except the arrangement to make the draft bill the unfinished business.

Mr. BARKLEY. That is correct; and then we will meet tomorrow to consider it.

Mr. GEORGE. Mr. President, I wish to be heard briefly because, if it were true, the philosophy which has just been propounded by the Senator from Florida would destroy the Government itself, and I hope, therefore, that no amendment that will recognize that philosophy will be accepted or put into the bill.

The Senator from Florida overlooks the essential fact that the purpose of the Smith-Connally Act was to secure the manufacture of arms and munitions and other things necessary in the prosecution of the war. The Smith-Connally Act for that purpose, and in order to enable the Government to carry on the war and prevent unnecessary interruptions because of labor disputes, authorized the Government to take over plants, all kinds of plants and mines, everything in fact practically, excluding carriers by air and by sea. They were not authorized to be taken over under the Smith-Connally Act.

I am in essential disagreement with the Senator from Florida as to the whole philosophy of this measure. If the Government itself is to be preserved, or have the power of self-preservation, the United States Senate must be in disagreement with him.

This bill does not authorize the President to do anything with respect to any of the mines, facilities, or properties which may be taken over under the Smith-Connally Act; but it does authorize the President to proceed further. With respect to facilities or mines taken over under the Smith-Connally Act, or any other applicable law, if he finds that the uninterrupted operation of such facilities is essential to the maintenance of public health or security and the national economy, he may declare a state of emergency and thereafter operate the facilities taken over by the Government itself, the interrupted operation of which produced the basis for the national emergency which he declares.

The Senator from Florida is concerned because we are not expressly permitting the individual, as in the Smith-Connally Act, to walk out from his contract without any responsibility on his part, not as against the employer or the owner of the enterprise, or the business itself, but as against the Government of the United States, when the President of the United States has been driven to a declaration that the public health and security and the national economy will break down and cannot be carried on if there is an interruption of such facilities—in other words, that Government itself will cease to function.

Whenever any of the facilities or instrumentalities of Government which are essential to public health, public safety, and the whole national economy are taken over by the President, and he makes his proclamation, then the Government of the United States is squarely in the picture. The Government becomes the employer. The employer is no longer the private employer who originally had contracts to manufacture munitions of war and because of labor troubles was unable to do so and the Government found itself compelled to take over. The Government steps in here and takes over; but if the Government takes the further step and finds, through the President of the United States, that a grave national emergency is created, then the Government becomes the employer.

What is the mild penalty to which the Senator excepts?

Mr. PEPPER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Georgia yield to the Senator from Florida?

Mr. GEORGE. I yield.

Mr. PEPPER. In the first place, Mr. President, I believe the Senator and I are in accord, that the inherent right—the substantive law, as it were, to take over under the provisions of this bill—is the right to take over which is embodied in the Smith-Connally Act. That is the first step. That is the basic law.

Mr. GEORGE. Oh, no.

Mr. PEPPER. Section 2 of the bill so provides.

Mr. GEORGE. It also includes any other applicable law.

Mr. PEPPER. Does the Senator know of any other applicable law?

Mr. GEORGE. I am not prepared to say that there may not be.

Mr. PEPPER. I wished to start with that premise.

In the second place, the Senator will admit, will he not, that the Smith-Connally Act was for the important purpose of maintaining uninterrupted war production?

Mr. GEORGE. Yes; but not for the maintenance of the public health and security and the national economy, interference with which the President finds creates the greatest possible emergency.

Mr. PEPPER. Does the Senator from Georgia think it is likely that either the public health or the national economy would be more important to the people than the security of the country when it is involved in war?

Mr. GEORGE. Certainly, so far as the mere break-down of a particuular manufacturer in the production of war goods according to his contract is concerned. I am getting to the point. I wish to be perfectly frank with the Senator.

Mr. PEPPER. I am coming to the other point——

Mr. GEORGE. Let me proceed, and then I shall be glad to yield to the Senator.

Mr. WHEELER. Mr. President——

Mr. GEORGE. Let me get to the point which I wish to reach.

I believe that this is the time when the question ought to be fought out. There is no absolute right of any man to strike against his government or against any function of government. That is the basis on which this legislation is predicated. I know that the appeal has gone to the country that this is a proposal to crucify labor. That thought was furthest from the mind of the President, and that purpose was furthest from every line written into the bill.

I had nothing to do with the formation of the bill. I was not even consulted about it. I knew nothing about it until it came here. I received my first information about it, as did many other Senators, when it was presented to us.

This bill proceeds on the theory that no man has the right to strike against his Government or any essential function of Government. If the contrary doctrine is admitted for a moment by quibbling over whether or not certain rights and privileges which have been given to labor in the private relationship between employer and employee are affected, then the whole foundation of the Government is swept out from under it and the whole power of the Government to maintain its integrity, to preserve public health, to preserve public security and public peace, and the whole national economy, is simply taken away.

What does this provision do? It provides as follows:

Any affected employee—

That means anyone who fails to return to work—

who fails to return to work—

That is, after the Government steps in, after the proclamation has been issued, after the emergency is in existence, if we enact a law authorizing the President to sign it—

on or before the finally effective date of the proclamation (unless excused by the President)—

The President may still excuse anyone—

or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, * * * shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

I do not care to argue the question whether "operators" includes the Government, because I do not believe it stands upon any such narrow foundation. Certainly, if the President can forgive any individual or any group of individuals, or if he permits them to continue work so long as the Government is operating the plant, mine, or facility, then the status of those individuals is never interfered with. But if men continue to remain on strike against the Government, or continue to remain idle after the Government invites them to come back, then at the end of Government operation, assuming that they still have remained out of the plant, mine, or facility, it is placed within the power of the employer to decide whether to reemploy those men. Why should it not be so?

The whole fault of the Wagner Act—and I speak of it not as one who voted against it, because I voted for it originally—the primary fault of it was that its administration was placed in the hands of zealots and partisans, who gave it a slant against every decent employer and in favor of every labor boss, so that the people of the country lost confidence in it. The businessmen of America do not believe in it as it has been administered. The fault was not necessarily in the act. It was in the maladministration of the act by partisans.

Why should not the owner of any business, after the Government has operated the business for 6 or 8 months, or for 3 weeks, have the right to say to any employee who refused to come back and work for the Government, "We do not elect to take you back into this plant"? If there is any fairness in American law, we will not hesitate to write it out specifically that the owner has such right.

That was the trouble when we were enacting legislation in an effort to help the workers. The Senator from Maryland [Mr. TYDINGS] stood here and made a long, hard fight to see that a worker should not be coerced by anyone—not merely his employer. The late Senator Couzens, from Michigan, stood on the other side of the aisle and made an honest plea, as an experienced businessman, for fairness in the language of the law. The language of the law was not necessarily unfair. The answer then made to the late Senator Couzens, from Michigan, as well as to the Senator from Maryland and others, was that the rights of the American employer were established under law, and that it was not at all necessary to reassert them in an act undertaking to establish the rights of labor.

As one who voted for that act, I have no hesitancy in saying that the primary fault in the act today is in the one-sided, partial interpretation and administration of the act by zealots, by partisans, by men who have no judicial approach to the settlement of any issue or question that arises between men in their ordinary relationships. The courts tried for a little while to put some reason into the interpretations made by these boards. But then the Supreme Court of the United States came along and gave to these partisan boards the absolute right to construe all on one side of the issue what was intended to be a good law and what is a good law in principle. That is our whole trouble here, Mr. President, and that is why we are here right now. So I wish the Senator from Florida to know, and I wish any other Senator who shares his views to know, that I take the position that no man or woman or group of men has the right to strike against the Government or any function of Government. It is not necessary to go any further now, but I take that position, and I take it absolutely without any qualification whatever.

We do not have to pass this law. But if we do pass it, and thus give to the President of the United States the right to say that "In these struck and interrupted enterprises of the country, the public health itself is in jeopardy, the public security has gone or is breaking down, and the whole national economy is fading, so I take over these plants and these facilities and operate them as the Government of the United States," my distinguished friend, the Senator from Florida, wishes to hesitate because, forsooth, he thinks that the former owner of the plant, if he gets it back at all, should not have the power to say to an employee who has struck under those circumstances, "I will take you back, but I will not take you back under favorable conditions"—after that man has gone on strike against his Government.

Mr. President, I have made this statement before, but I repeat it: I think the hour is coming when we shall have other crises. I do not think we have seen the last crisis. The railroad strike and John L. Lewis' strike in the mines were not

the first crisis, and I do not think we have seen the last one. We shall see other crises, unless we bring our labor-management relationships into better balance, through good administration of our laws, and through necessary and needful regulations by our laws.

Some day I should like to pay some attention to the decisions of the Supreme Court, to see how far they have gone in striking down the power of the district courts and the appellate courts of the Nation to try to do something like justice between employers and employees.

But for the time being, Mr. President, let us argue this question on the basis on which it should be argued. Of course, even the Smith-Connally Act, in section 6, says precisely what undoubtedly is the law in any instance, except to the extent that the Government of the United States sees fit to take away some privilege or some immunity granted to a member of a labor organization or to an individual worker.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. PEPPER. Does the Senator, however, construe that the immunity of the bill against imposing penalties against the worker who, as an individual, stops work, applies even under the Smith-Connally Act?

Mr. GEORGE. Oh, no. The Smith-Connally Act speaks for itself.

Mr. PEPPER. I say the Smith-Connally Act covers the case of the individual worker who stops work for the Government. It does not penalize him; does it?

Mr. GEORGE. Not where the individual worker simply does not work.

Mr. PEPPER. That is correct.

Mr. GEORGE. Yes.

Mr. PEPPER. That is what I mean.

Mr. GEORGE. But there the President has not declared a grave national emergency to exist. There the President has not said that the public health or public security or the whole national economy is crumbling. In the Smith-Connally Act the Congress was not even dealing with that question. The Congress there was dealing only with the single question of getting people to perform war contracts, which were being interrupted by strikes or threatened strikes, or through the perverseness of the contractor, through his unwillingness to work and to produce goods at a stipulated price, a price which might have been prescribed by the Secretary of War or the Secretary of the Navy.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. AUSTIN. I had much to do with the drafting of the Smith-Connally Act, having been on the subcommittee.

Mr. GEORGE. I remember that the Senator was.

Mr. AUSTIN. It is my clear recollection that the word "only" in the phrase which has so often been referred to, had significance, and that its purpose was together with the context to show that a combination of individuals was not comprehended in the immunity. It is only the single individual who is comprehended. But when two or more individuals combine together, they are not excused from the prohibition of the act.

Mr. GEORGE. I think the Senator is entirely correct. I remember his position on that point.

Mr. CONNALLY. Mr. President, will the Senator yield, to permit me to say just a word?

Mr. GEORGE. I yield.

Mr. CONNALLY. We hear a great deal about the constitutional right to strike. The constitutional right is individual. If I want to quit work, I have a perfect right to do so; but I have no constitutional right to conspire with the Senator from Vermont to injure someone else, or more especially, to injure the Government.

Mr. GEORGE. The Senator is entirely correct, and the Government undoubtedly has the power to take away any right or immunity that is enjoyed by any citizen. If the individual citizen exercises his right not to work for the Government, the Government can say and can lay down as a condition that, by his refusal, he will lose certain immunities.

No punishment is inflicted here on the individual, as a matter of fact. It is inconceivable that anything but the mere loss of certain rights under existing law could be taken away from the worker, and I do not think they could be taken away from the worker if he were forgiven or excused by the President of the United States under the express language of the measure or if he returned to work or went back to the plant and worked while the Government was operating the plant, because in that event that would be a forgiveness or an excuse.

It is only in the single event that he has remained out and has refused to come back at all that, upon his subsequent application for employment, the owners or the operators of the mine or plant have anything to say about it, and the only thing they can say about it then is, "If you come back, you may come back with whatever rights you may have as an individual to negotiate a contract and whatever rights you may have as a member of an organization to which you may belong to engage in collective bargaining."

In any event the owner cannot prescribe any condition for the employee who came back subsequent to the surrender of the plant by the Government. The owner could prescribe only lawful conditions. He could not prescribe a single illegal restriction on the right of the worker. He could not do anything against him which was not legal and authorized by law. He could say, "I do not care to take you back," if there were a justification for such a decision upon his part. But in no event could he engage in any unlawful practice against the individual, even though he had remained out of employment continuously.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LUCAS. The theory of this bill is to try to get the men who are out back to work for the Government. What incentive would there be for men to go back if there were not sanctions of some kind or character?

Mr. GEORGE. I say to the Senator that there would not be any incentive unless there were a possibility that some loss of immunity or position might result from his failure to return to work.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WHEELER. I wish to say to the Senator that I wholly agree with the philosophy that we cannot permit people to strike against the Government. People should never be permitted to strike against the Government after the President of the United States has said that the operation of certain facilities or plants is vitally necessary to the maintenance of the national health and security and economy.

Apparently the only difference between the Senator from Georgia and myself with respect to this matter is that it seems to me the language should be clarified, because the Senator from Georgia takes the position that under the language "unless excused by the President," if any employee comes back to work for the Government, then the employer cannot discriminate against him after that.

Mr. GEORGE. I think so. I should think that would be excusing him by the Government.

Mr. WHEELER. If that be the case, it seems to me that, in order to make perfectly plain what the Senator and I wish to provide, the language should read substantially "unless the worker is subsequently reemployed by the Government or by such owner or operator." Under such language there could be no question.

Mr. GEORGE. I would have no objection to it.

Mr. BARKLEY. Mr. President, I take the same view as that of the Senator from Georgia, namely, that when we speak of reemployment by owners or operators we are speaking of the Government as well as the operators. The Government, of course, would employ only while it had charge of the plant. But if it is necessary to make it plain that the Government may do what we are trying to empower it to do, I would have no objection to the use of the word "Government."

Mr. WHEELER. I understand that the Senator from Kentucky construes the word "Government" to mean the Government while it is operating the plant. I believe that would leave the matter open, and somewhat vague. But if we were to incorporate the words "reemployed by the Government or by such owners or operators," we would make the situation very clear.

Mr. GEORGE. I have no objection.

Mr. BARKLEY. On page 5, in line 9, after the words "reemployed by", I move to amend by inserting the words "the Government or."

Mr. WHEELER. And the words "or by such."

Mr. BARKLEY. The word "by" is already in the language and applies to the words "such owners or operators."

Mr. WHEELER. Yes; the Senator is correct.

Mr. PEPPER. Mr. President, will the Senator restate the motion?

Mr. BARKLEY. On page 5, in line 9, after the words "reemployed by," I move to amend by inserting the words "the Government or." The language would then read, "unless he is subsequently reemployed by the Government or such owners or operators," and so forth.

Mr. WHEELER. Mr. President, allow me to have one further word. As I read the language, only when the President, by proclamation, finds that the national safety and national economy is to be interrupted, does he take over the enterprise. That being true, it seems to me that the Congress may not put its stamp of approval on a strike against the Government, because if it does so a small handful of persons, or even one person, could completely tie up the Government. I do not believe the people of America, or the Members of the Congress, want such a condition to exist. For that reason, I would support the amendment of the Senator from Kentucky with the modification which I have suggested.

Mr. PEPPER. Mr. President, I move to strike section 6 of the amendment, and before the question is put I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, may we not vote on the amendments which I have proposed?

Mr. PEPPER. I thought they had been agreed to.

Mr. REED. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REED. May we have the section, as modified by the Senator from Kentucky, now read?

Mr. BARKLEY. I will read it. Section 6, if amended according to my suggestion, would read as follows:

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President) or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or such owners or operators.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I believe that if we are going to add the words "the Government" in line 9, it will also be necessary to add them in line 7 in order to indicate that the word "operators" is not intended to include the Government.

Mr. BARKLEY. I think perhaps that what the Senator said is true. I had thought of it, but I later decided that for the purposes of my amendment it would not be necessary.

Mr. President, I would further amend the language by inserting the words "Government or" after the words "of the" at the beginning of line 7.

I now ask for a vote on the amendments.

The PRESIDING OFFICER. The question is on agreeing en bloc to the amendments offered by the Senator from Kentucky.

The amendments were agreed to.

Mr. BALL. Mr. President, I wish to offer an amendment.

Mr. PEPPER. Mr. President, I suggested the absence of a quorum, and then gave notice that I wished to move to strike section 6 from the bill.

The PRESIDING OFFICER. What is the request of the Senator from Florida?

Mr. PEPPER. I suggested the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida withhold his request until the Senator from Minnesota offers an amendment?

Mr. PEPPER. Mr. President, I will gladly yield, but I thought that while the language of section 6 was in our minds we could dispose of a motion to strike out the section.

Mr. BALL. Does the Senator intend to discuss his proposal at some length?

Mr. PEPPER. If the Senator from Minnesota does not believe that a discussion of his amendment will consume very much time——

Mr. BALL. I think that it will consume some time.

Mr. PEPPER. Mr. President, I had suggested the absence of a quorum. After the development of a quorum it would be within the discretion of the Chair to recognize either the Senator from Florida or the Senator from Minnesota. I thought that while we were dealing with the subject of section 6 of the bill, it would be logical to make final disposition of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Briggs	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Burch	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wherry
George	Moore	White
Gerry	Morse	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	Myers	
Hart	O'Daniel	

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Eighty-five Senators having answered to their names, a quorum is present.

LEAVES OF ABSENCE

Mr. TYDINGS. Mr. President, the President of the United States is coming into Maryland tomorrow and will be at Washington College to attend a graduation ceremony and to receive a degree. I should like to extend the hospitality of my State by being present. I therefore ask unanimous consent to be excused from the session of the Senate tomorrow.

Mr. RADCLIFFE. Mr. President, my colleague from Maryland has stated reasons for wishing to be absent from the session of the Senate on tomorrow. Those reasons apply to me also, and I make a similar request to be allowed to be absent from the session tomorrow.

The PRESIDING OFFICER. Without objection, the senior Senator and the junior Senator from Maryland may be absent from the Senate tomorrow.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. PEPPER. Mr. President, I first wish to move to strike out section 6 as amended. I asked for the quorum because I think this is one of the decisive amendments we will pass on in the bill, and I wish to try to address myself to Senators for a few moments upon the merits of the proposal to strike out section 6 as amended.

I am starting with the theory and the thesis that in the cases contemplated by the bill the enterprises taken over by the Government do not belong to the Government. I start out with the proposition that the Government is truly in the status of a trustee rather than in the position of an owner of property taken over under the law now proposed, or under the basic law, the Smith-Connally Act. I therefore make a difference, Mr. President, between a case where the Government acts in the nature of a sovereign and a case where the Government acts in the enjoyment and exercise of a proprietary interest.

There are a great many properties which the Government of the United States actually owns in a proprietary capacity. There are a great many acts of the United States Government in the discharge of which it acts as a sovereign. I call attention, therefore, to the distinction in law between a government acting in a proprietary capacity and a government in law acting in a sovereign capacity.

We know that all over this land there are States, and there are municipalities, which own public utilities of one sort or another, yet the law has held that in those functions the Government is acting in a proprietary capacity, and not in the exercise of its sovereignty, as it acts when it is discharging the sovereign police power of the State.

I therefore consider that when the President of the United States takes over an enterprise under the pending bill, or under the basic Smith-Connally law, it is relatively in the exercise of and control over that industry acting as a trustee. We have already indicated so in the amendment which has been made to section 9. Instead of the profits from the enterprises being turned into the Federal Treasury, we have provided that the profits shall be turned back to the owners of the enterprises, and under the proposed law the Government will merely have authority to fix wages, to fix work-

ing conditions, and to carry on a managerial function.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I gladly yield.

Mr. HATCH. I am very much interested in the discussion the Senator is making, because there is the well-recognized distinction between a proprietary capacity and the exercise of a sovereign capacity. Does the Senator say that when the Government takes over a property in the interest of the life, health, and safety of its citizens, it acts only in a proprietary capacity?

Mr. PEPPER. I say that when the Government takes over a business to run it, the Government in that case, in my opinion, is not acting in a sovereign capacity, but is acting in the nature of a trustee to carry on the enterprise.

Mr. HATCH. Will the Senator yield to me for a moment?

Mr. PEPPER. There are certain functions the Government will discharge as the proprietary operator, and then the Government may exercise ancillary sovereign authority, as, for example, using the armed forces or using police powers in the protection of a proprietary power. I do not wish to labor the point, but I want to start out with that distinction in my mind, and then I want to proceed with my argument.

Mr. HATCH. If the Senator will yield for a moment further, let me suggest that the only way in the world the United States Government, a State, or a municipality, acts in its proprietary capacity, is by purchase, by the issuance of bonds. Never under any circumstances can any province of government take over, without the consent of the owner and without negotiation, any property except in the exercise of its sovereign capacity.

Mr. PEPPER. Mr. President, I make the distinction—except when the law, the statutes of the land, may authorize it, and the pending measure, of course, is contemplated as a statute.

Mr. HATCH. If the Senator will yield——

Mr. PEPPER. I have only 30 minutes.

Mr. HATCH. I will gladly yield my time. No statute can authorize the Government to exercise power such as the Senator is discussing. It simply cannot be done, except in the exercise of its rights as a sovereign.

Mr. PEPPER. What I wish to emphasize is that in every one of the businesses the Government has taken over, the Government has turned the usufruct of the business back to the owner. All the Government has done has been to regard itself as in temporary custody until a given purpose was served, and then it turned back the whole thing, lock, stock, and barrel, without any statutory authority to dispose of the publicly owned property or otherwise. The whole circumstances in which these properties have been taken over by the Government were that when the Government stepped in it acted as a court would do in the appointment of a trustee, and exercised the function of management during the existence of an emergency.

Mr. President, I wish to pass on to the next point. Surely the Government will make distinction, even if it takes over a property, between its power and its right to operate the property and to recruit the necessary labor to operate it in a lawful way, and the power of the Government to employ coercion and force to keep the men running the business from disassociating themselves from it voluntarily if they see fit to do so. That is a crucial question involved in the motion to strike out section 6.

A while ago, before some Senators now in the Chamber had returned to the floor, I started to emphasize that in the Smith-Connally Act for the first time we made it very clear that the Government did not have any right to impose any penalty upon an individual worker who did not work, even for the Government, and the Senator from Michigan and the Senator from Georgia have both admitted that to be true under the Smith-Connally Act, and their interpretation of it.

Then I say that for the first time, in this section as amended, we are imposing a penalty by law upon the individual worker who ceases to work for the Government of the United States in violation of the proclamation of the President.

Mr. President, if I get but one vote for my motion to strike, the Senate has a right to make a record of whether it is for the first time to outlaw the right of an individual not to work, even for the Government, if that individual desires not to work for the Government.

First I wish to discuss the right, then I wish to discuss the policy. I pointed out also, before many Senators now present came into the Chamber, that the present National Labor Relations Act, amongst other language, contains the following:

> It shall be an unlawful labor practice for an employer—
>
> * * * * *
>
> (3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

That is the very bone and sinew of the National Labor Relations Act, to protect the employees in the right to join a union and bargain collectively with their employer.

It may be said, wherein does section 6 interfere with the enjoyment of that right? Here is the language:

> Section 6. Any affected employee—
>
> An individual—
>
> Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President)—

I am not talking about conspiracy, I am not talking about concert of action, I am not talking about a coalition or a union. They are covered in the next alternative language. I am talking about the language I have read:

> Any affected employee who fails to return to work on or before the finally effective date of the proclamation—

Then the language reads—

> shall not be regarded as an employee of the owners or operators or government thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or by such owners or operators.

Mr. President, that language strips the individual worker who does not go back to work, of the protection of the National Labor Relations Act that he shall be not discriminated against in respect to being hired because of his action with respect to membership in a labor union or with respect to association with his fellow employees. And that language in section 6 leaves it to the individual employer, when the Government turns the industry back to him, to determine whether he will violate the National Labor Relations Act, whether he will impose conditions upon the worker going back to work or whether he will accept him back to work at all. If he says "No, you have been the president of this union"; if he says "No, you were an agitator for this strike;" if he says "No, you have been stirring up union activities ever since you have been working for me; I am not going to take you back," the law deprives the worker of any right of redress, any right to go to the National Labor Relations Board, any right to go to any court; he is utterly helpless before the conditions that his former employer may impose upon him.

Mr. President, instead of the Government penalizing him for not returning to work for the Government, the Government leaves it up to his former employer, either to take him back or to take him back upon conditions agreeable to the employer. That raises the question whether the Government of the United States wishes to delegate to the former employer of the worker the power to be the one to adjudicate for him and the one to impose the penalty which may be imposed upon the worker who does not come back at the time he is required to come back.

Mr. President, how much more time do I have on the amendment?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Fifteen minutes.

Mr. PEPPER. I thank the Chair.

Mr. President, I do not favor the imposition of any penalties at all. I do not favor the Government imposing any penalty even upon the individual worker who quits work for the Government. I say that, in the first place, it is vicious policy for the Congress and the Government ever to adopt the principle that a worker cannot stop working for the Government simply because the Government happens to have taken over some plant to operate and run.

In the second place, Mr. President, we have before us no experience to show that it is necessary for the Government to have such power. All of us know what our experience has been in respect to these work stoppages. We remember how President Roosevelt stopped strikes during the war, and how President Truman has stopped strikes since the war without the authority that this measure would give to him.

We know perfectly well that the President has authority, if the men running a railroad stop running it, to put other workers in their places. The President proclaimed that authority last Friday night over the radio and proclaimed it

Saturday afternoon to a joint session of the Congress. But it is one thing to have the physical power to operate the railroads and, if need be, to recruit the workmen who will run the railroads, and, if need be by the armed forces protect the workmen who have taken the places of the men who went out. That is one thing. It is another thing to say to an individual, "I will coerce you by the threat of prosecution with a bayonet, as a member of the armed forces, or by the deprivation of your economic rights under the National Labor Relations Act." They are entirely different things. It is not necessary to give the Government that power in order to continue to protect the public health, the public security, or the national economy, the protection of which is the declared objective of this measure. At least we have not a single case of necessity that has not been met without this legislation.

But when the Government recruits workers, as it was going to do last Saturday after the railroad workers did not return to work, and the men come voluntarily, not by coercion of law or force, then the citizens' rights have not been violated. They go voluntarily to work for their Government to run the railroads or to work in any other business taken over by the Government. That is one principle, and that is a lawful principle. But, Mr. President, give the Government the power to put a bayonet in the man's back, give the Government the power to apply physical force to him, or give the Government the power to impose a legal penalty upon him, and that is coercion of the individual affirmatively coerced. That is an entirely different thing.

Whenever it may appear to the Congress or to me that there is no other reasonable way to protect the public health, security, or the national economy without the direct application of force to the individual workman who stops work, I shall be glad to consider that case on the facts and in the circumstances of the time when it may be presented.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. I wish to discuss with the Senator with respect to the individual who, after the Government asked him to go back to work does not return. Let us then assume that the Government finally turns the plant back to the employer. As I understand the able Senator he would like to see the Government continue to bargain with that worker. I should like to ask the Senater: What should the Government do with that individual if he fails to go back to work or if he refuses to bargain with the Government? Is there anything that can be done with him at all? Obviously I am only speaking about a situation where there is a great national crisis existing as is contemplated by this bill.

Mr. PEPPER. Yes. At the present time and based upon our present experience, I would not do anything coercive against that individual. Then it might be said, "Oh, you would let the railroads stop running." No. I would recruit some more men to run the railroads. Until that practice fails, I will not begin putting in jail; I will not begin stripping of his legal rights under the National Labor Relations Act or the Railway Labor Act the individual workman who, believing that he has a right not to work, declines to heed the call of the President to work in an enterprise that belongs to a private individual, the profits from the operation of which will go to private individuals resulting from his work. Oh, yes, it will have an incidental public benefit, of course, but in substance it is the same principle as making the individual work by force for the owner of a railroad or a mine for the profit of a private individual.

I say that all the public interest requires is to keep the railroads running. The public is not interested in who runs them. The public interest is satisfied when the institution continues functioning, and it is not necessary, Mr. President, to deprive the individual workman of his right not to work for the Government when the Government takes over a business, unless it can be shown that that is the only reasonable and possible way by which these functions may be discharged.

Mr. President, this is, in my opinion, the most vital vote that we are going to take upon this measure. Remember it is a precedent. Remember that never heretofore has it been proposed in the law. It was proposed, maybe, in the work-or-fight bill, but that bill never was passed by Congress. Remember that in the Smith-Connally law there is an expressed exemption. I will read the language because I want it to be clear in the RECORD what we are voting on today. In section 6 (a) of the Smith-Connally Act, after the penalty which is provided in the first part of the act is set out against an individual for fomenting a strike, or organizing one, or encouraging one, or providing union money to sustain a strike, the following significant language occurs:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

Mr. President, that is a provision of the Smith-Connally law. In that law we exempted the individual from penalty if he ceased working or if he did not go back to work at the time he was required by proclamation to do so. Whereas in the section we are considering today, for the first time we propose to change that and to say:

> Any affected employee—

That is one employee—

> who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President)—

Then I skip some language—

> shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or by such owners or operators.

That is history we are making, Mr. President. I am not prepared yet to apply coercion to the individual worker in America, first, to work for any private employer, and, second, to work indirectly for a private employer when the Government is simply acting as custodian of an employer's business, in order to keep the business functioning for the public service. I say that there is no precedent for such a proposal. It violates the individual right of the citizen, and I firmly believe that it is in violation of the Constitution of the United States.

Mr. President, I realize that my time is short; but here is a decision of the United States Supreme Court in the case of *Pollock* v. *Williams* (in 322 U. S. 4, at p. 17), which defines the scope of the thirteenth amendment:

> The undoubted aim of the thirteenth amendment * * * was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States. Forced labor in some special circumstances may be consistent with the general basic system of free labor. For example, forced labor has been sustained as a means of punishing crime, and there are duties such as work on highways which society may compel. But in general the defense against oppressive hours, pay, working conditions, or treatment is the right to change employers. When the master can compel and the laborer cannot escape the obligations to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship or unwholesome conditions of work.

In my opinion that is good constiutional law. Before the Senate strips the citizenry of this country of immunity from legal or physical coercion for not working for a private employer directly, or indirectly while the Government is the custodian of his business, I beg of Senators to stop and reflect upon what will be the consequence of what they do.

Mr. LUCAS. Mr. President——

Mr. PEPPER. Mr. President, I have only 5 minutes. I should like to conclude.

I say furthermore that the necessity does not exist to destroy this civil right of immunity of the worker against legal or physical coercion. The President has not failed to settle any strike which so far has interrupted either production or transportation in the United States. There is therefore no necessity for a departure from the present law. If the President needs any power to take over industry and to operate it he has that power under the present law. If the workers do not work, if they go out on strike, if they do not return on proclamation, then the President can recruit free labor, which by free contract, freely entered into with the Government, will come to work for the Government. The Government can give those men protection by every police officer in the country, by every sheriff in the country, by every member of the National Guard, by every member of the armed forces of the United States, by every member of the Federal Bureau of Investigation, and by the protection of every other legal authority the Government of the United States has. If we give the Government the power which it now has to take over an enterprise and to operate it, and especially if we give it the power to fix wages and working conditions, as the Government did in the coal strike, that alone is enough. We do not have a

single case of failure of that method to keep the business in operation and to serve the public interest.

But if employees are stubborn, if they are overselfish, if they are excessively greedy, and say, "We will not work for the Government unless we are paid more,"—more than they are entitled to receive—the Government is not without remedy. The Government is not impotent. All the Government has to do is what President Truman called upon individual railway employees to do the other evening in his radio address. Railroad management called upon volunteers. It called upon the men to come back to work voluntarily or for new men to come to work as voluntary recruits to take the places of those who refused to work under the protection of the Government of the United States.

So I am not leaving the public interest without protection. I am not ignoring the public health, the public safety, or the national economy. But I am appealing for the preservation and protection of the public interest in a way which shall not for the first time as a precedent in our statutory law deprive the individual citizen of the right to do what the Supreme Court described as changing his employer—the right to work in civil employment for whomever he wishes to work, of his own free will and accord.

Mr. President, without such an emergency I cannot imagine that the Senate will wish to strip these recognized immunities away from the working men and women of this country. If we do it, I think we should do it knowingly, with a full awareness of the significance and the consequence of what we do.

I venture to believe that without any precedent showing the necessity for this action, the Government having adequate power to protect the public interest without this authority, it were a thousand times better not to try to exercise it, and to resort to other peaceful and legal procedures which in the long run, I respectfully submit, will accomplish a better peace, a more efficient continuity of the functioning of the enterprise taken over, than would the method proposed in this amendment.

Mr. President, if other Senators are not disposed to address themselves to the amendment, I ask that a vote be taken, and that there be a yea-and-nay vote upon my motion to strike section 6 of the pending bill as amended.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Connally	Hatch
Austin	Cordon	Hawkes
Ball	Donnell	Hayden
Barkley	Downey	Hickenlooper
Brewster	Eastland	Hill
Briggs	Ellender	Hoey
Brooks	Ferguson	Huffman
Buck	Fulbright	Johnson, Colo.
Burch	George	Johnston, S. C.
Bushfield	Gerry	Kilgore
Butler	Green	Knowland
Byrd	Guffey	La Follette
Capehart	Gurney	Lucas
Capper	Hart	McCarran
McClellan	Murray	Stanfill
McFarland	Myers	Stewart
McKellar	O'Daniel	Taft
McMahon	O'Mahoney	Tunnell
Magnuson	Pepper	Vandenberg
Maybank	Radcliffe	Walsh
Mead	Reed	Wheeler
Millikin	Revercomb	Wherry
Mitchell	Russell	White
Moore	Saltonstall	Wiley
Morse	Shipstead	Willis
Murdock	Smith	Wilson

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

The question is——

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. The pending question is on agreeing, is it not, to the motion to strike out section 6, as amended, thereby not providing a right to adjudicate a forfeiture of a man's rights under the National Labor Relations Act and under the Railway Labor Act if he is engaged in a strike?

The PRESIDING OFFICER. The question is on agreeing to the motion to strike out section 6, as amended. The Chair cannot undertake to state what the effect of agreeing to the motion will be.

On this question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. REED (after having voted in the negative). I transfer my general pair with the Senator from New York [Mr. WAGNER] to the Senator from Indiana [Mr. WILLIS], and let my vote stand.

Mr. HOEY. My colleague, the senior Senator from North Carolina [Mr. BAILEY], is detained because of illness. If present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Florida [Mr. ANDREWS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

I announce further that on this question the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Idaho [Mr. TAYLOR]. If present and voting, the Senator from Maryland [Mr. TYDINGS] would vote "nay," and the Senator from Idaho [Mr. TAYLOR] would vote "yea."

I also announce that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I announce further that if present and voting, the Senator from New York [Mr. WAGNER] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from North Dakota [Mr. LANGER] is necessarily absent.

The Senator from Indiana [Mr. WILLIS] is unavoidably detained.

The result was announced—yeas 12, nays 66, as follows:

YEAS—12

Aiken	Magnuson	Murray
Downey	Mead	Pepper
Guffey	Mitchell	Taft
Kilgore	Morse	Tunnell

NAYS—66

Austin	Hart	Myers
Ball	Hatch	O'Daniel
Barkley	Hawkes	O'Mahoney
Brewster	Hayden	Overton
Briggs	Hickenlooper	Radcliffe
Brooks	Hill	Reed
Buck	Hoey	Revercomb
Burch	Huffman	Robertson
Byrd	Johnson, Colo.	Russell
Capehart	Johnston, S. C.	Saltonstall
Capper	Knowland	Shipstead
Connally	La Follette	Smith
Cordon	Lucas	Stanfill
Donnell	McCarran	Stewart
Eastland	McClellan	Thomas, Okla.
Ellender	McFarland	Vandenberg
Ferguson	McKellar	Walsh
Fulbright	McMahon	Wheeler
George	Maybank	Wherry
Gerry	Millikin	White
Green	Moore	Wiley
Gurney	Murdock	Wilson

NOT VOTING—18

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Wagner
Bridges	Langer	Willis
Bushfield	Taylor	Young

So Mr. PEPPER's motion to strike out section 6 as amended was rejected.

Mr. BALL. Mr. President, I call up and offer the amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 24, beginning with the semicolon, it is proposed to strike out all down to and including the word "President" in line 7 on page 3.

At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Whenever the President issues a proclamation in accordance with the provisions of section 2 and while the plants, mines, or facilities, or any of them, are in the possession of the United States they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began, except that if any changes in terms and conditions of employment, which contributed to the dispute, leading to the stoppage or which are at issue in the dispute, were put into effect prior to such time, such properties shall be operated as if such changes had not been made: *Provided*, That the President may make such changes in such conditions of employment as he finds necessary for the health or safety of employees: *Provided further*, That section 5 of the War Labor Disputes Act (57 Stat. 163)

insofar as it conflicts with the provisions of this section is hereby suspended while this section is in effect.

Mr. OVERTON. Mr. President, is there any reference in the amendment to wages?

Mr. BALL. The words "terms and conditions of employment" cover the subject of wages.

Mr. OVERTON. The bill now before the Senate, from which the Senator proposes to strike out reference to fair and just wages and other terms and conditions of employment, leads me to believe that there would be no significance to any reference in the amendment of the Senator from Minnesota to the subject of wages.

Mr. PEPPER. Mr. President, following out the inquiry of the Senator from Louisiana, I may say that if the amendment of the Senator from Minnesota had been a part of the existing law, would it not have made impossible the recent changes in wages in connection with coal miners, which the Government eventually brought about?

Mr. BALL. Absolutely.

The amendment which I have offered would strike out clause (4) of section 3 of the pending bill. That clause would authorize the President, in any proclamation, to do certain things. I read the language to which I refer:

> Establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of the law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose of the President.

That is the language of the pending bill which would be stricken out. In place of it, my amendment would insert a new section at the proper place in the bill providing that whenever the President issues his proclamation under the act, and while the plants, mines, and facilities are being operated by the Government, the terms and conditions of employment which in my opinion, cover everything such as wages, hours, and all other matters covered by a collective bargaining contract, shall remain in effect so long as the Government operates the plants, but subject to certain provisos.

If the dispute leading to the stoppage of work occurred as the result of a change in conditions such as, for example, a pay cut put into effect by the employer, the pay cut would be restored.

Provided further that if any change is necessary for the health or safety of the employees, such as dangerous working conditions, the President may order such necessary changes to be made as will protect the health or safety of the employee.

The second proviso merely suspends section 5 of the War Labor Disputes Act insofar as it conflicts with this provision.

The purpose of the amendment, Mr. President, is very simple. It is to provide that in an emergency, after there has been a failure on the part of management and employees to agree on a contract, the facilities which are seized shall be operated under the terms and conditions which prevailed when the stoppage took place, and until the employer and the employees get together and write a new contract. In other words, the amendment would eliminate the possibility of what has occurred in connection with the soft-coal dispute. I refer to the fact that the United States Government has negotiated for the employers, without their consent, but with the representative of the employees, John L. Lewis, a contract which gave, in my opinion, Mr. Lewis far more than he ever had any right to expect. It certainly violated the Government's own wage-stabilization policy. If the owners ever want to get back those facilities which they had before their business was taken over by the Government, they must accept the contract, in negotiating which they had no part.

Mr. CORDON. Mr. President, I have heard the amendment read, and I listened to the explanation of it by the able Senator from Minnesota. The amendment must proceed upon the assumption that if a suit arises between the employees, on the one side, and the employers, on the other, the employees are at fault and the employers are correct. The penalty which is to be imposed—and it is essentially a penalty—is apparently quite clear. For example, if an agreement cannot be reached and the seizure of the plant takes place, and the Government steps in and says that the situation shall remain in status quo, or just as it was when the Government took over, that would mean that the dispute which precipitated the seizure had been predetermined by the Government, would it not?

Mr. BALL. I cannot agree with the Senator. The penalty of Government seizure of the properties results in depriving the owner of his property. The Government has complete control over the operation of the plant. That seems to me to be a very severe penalty to be inflicted upon the employer. I do not know of any manager of property who wishes to have his property taken away from him. I do not believe the Senator needs to worry about the employer precipitating the dispute. The only way to get the employer and the employees to negotiate their contract, instead of leaving it to the Government to do so, is to provide that the status quo shall be maintained until an agreement has been reached. In so doing, we put the pressure on both sides to reach a reasonable agreement.

Mr. CORDON. Mr. President, if the provision is to be that the employees shall be limited to the terms and conditions with which they were dissatisfied in the first instance, and, on the other hand, not only compensation but any profits accruing from Government operation—and some profits will accrue—

Mr. BALL. Wait a minute. Has the Senator any evidence of that? I can see the possibility of situations arising in which, under Government operation, the properties would lose money, deteriorate to a considerable extent, and the owner would be holding the sack and suffer a tremendous penalty.

Mr. CORDON. I have as guidance only the history of disputes up to date. I cannot speak authoritatively, but my understanding is that upon a Government seizure the same individuals are usually left in control who were in control when seizure took place. The equipment and facilities move forward in the same way as they did before the Government took over operation, and under the same conditions. That would ordinarily result in the same overhead and the same profits. If we are to consider this bill with the elimination of section 9—I was in favor of its elimination—which put a penalty upon the employer by taking any net profit away from him, no incentive whatever would be provided to the employer to be less reasonable in his dealings with the employees. On the other hand, do not we put the employee in a position where he must deal with the employer without being on the same level and having the power of collective numbers?

Mr. BALL. I do not know of any employer who wishes the Government to be in control and in operation of his property. I think that the taking of a man's property away from him and saying to him that he may not operate it in the way he may wish to do so, is a much greater penalty than any which could be imposed upon employees or union leaders, or anyone else under the statute.

Furthermore, Mr. President, unless the pending bill can be so amended that there will be no incentive to either party to a labor dispute to be obdurate and to force Government seizure and operation, then in my opinion one party or the other, the party that thinks it can gain an advantage from Government seizure will be continually forcing a dispute to a deadlock, and stoppage, and Government seizure.

Mr. President, what is the history of Government seizure, so far as we have seen it? Let us take the recent coal-mine seizure. What did the Government do under the authority of section 5 of the War Labor Disputes Act? It gave the United Mine Workers a contract in which it not only allowed them a wage increase of 18½ cents an hour, which is supposed to be the pattern for industrial workers, but, in addition to that, it gave them a welfare fund equal to 5 cents a ton on all coal produced in this country. If that is not a part of the compensation of the employees, or certainly to be considered so, I do not know what it is. Mr. Lewis has a perfect right to brag to the country and to his fellow labor leaders, "I got more out of this situation for my men than anyone else, Bill Murray, Bill Green, or any of them."

It seems to me that with that situation prevailing, and with the possibility always in the picture that every union that thinks it has enough drag or influence at the White House to get a better deal from the President and his agents than they are able to negotiate with their employers in collective bargaining will be under a tremendous incentive to deadlock negotiations, to force a stoppage, and Government seizure.

I cannot see any other possibility unless that incentive is removed. I think we have removed it from employers, be-

cause, as I have said, I do not know any owner of property who wants the Government to take it away from him, so far as he is concerned. He is under great pressure to negotiate a reasonable settlement, and unless we put the same kind of pressure on the other side of the bargaining table to reach an agreement in collective bargaining, it seems to me the whole effect of the law will be to force American industries and properties into Government ownership and operation, and I do not think that is a practical or workable answer.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. CAPEHART. Would the Senator consider modifying his amendment to provide that the President could pay no more than that which the employers were willing to pay? I will give the Senator an example of what I mean. If I understand correctly, in the case of the coal mines the employers were willing to pay 18½ cents an hour more, but they were not willing to pay a royalty of 10 cents a ton or 5 cents a ton. Does not the Senator think that the President possibly should be given the right to pay as much as the employers are willing to pay before a deadlock occurs?

Mr. BALL. Mr. President, I am afraid that if we had that kind of a provision, every employer would be extremely reluctant to make any kind of a counterproposal in collective bargaining, and we would increase the probability of a deadlock resulting in seizure. My purpose in offering the amendment is to give all the incentive possible to both sides in labor disputes to settle their disputes themselves, and not have the Government take the plants over. I am afraid that so long as the Government can negotiate a new contract which the employers must take in order to recover their property, as an actual fact, there is a tremendous incentive to the unions who think they can get a better contract from the Government than from their employers.

Mr. SMITH. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. I yield.

Mr. SMITH. I should like to ask the Senator whether he does not contemplate in the program he suggests that when the dispute is finally settled the terms of settlement would be retroactive during the period of the Government operation of the property? Would not that be a just way to settle, because then the men would know even if they went back on the old terms when the dispute was settled, that the terms of settlement would be retroactive?

Mr. BALL. I think that is a matter for collective bargaining, and in nearly all the major disputes, so far as I know, final settlements are made retroactive.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BALL. I yield to the Senator from Vermont.

Mr. AIKEN. Am I correct in understanding that nothing in the bill supersedes or repeals any part of the Smith-Connally Act?

Mr. BALL. The second proviso would suspend section 5 of the Smith-Connally Act, and the War Labor Disputes Act, as soon as this section was in effect.

Mr. AIKEN. What section is that?

Mr. BALL. That is the section which gives the Government the power to change the terms and conditions of employment.

Mr. AIKEN. The Senator means it would suspend the means which the President has just used to settle the coal strike?

Mr. BALL. Certainly. I do not think he settled the coal strike on the basis of justice. I think he appeased an arrogant labor leader who was holding a gun at the head of the Nation's economy, and that is no vindication of government in this county, in my opinion.

Mr. AIKEN. Then the purpose of the Sentor's amendment is to prevent the use of the means by which the President has settled the coal strike?

Mr. BALL. That is absolutely correct; it is to prevent the Government from appeasing unions, and to prevent the giving to unions an incentive to force Government seizure.

Mr. SMITH. Will the Senator yield further?

Mr. BALL. I yield.

Mr. SMITH. Would the Senator be willing to read into his amendment a clause with the retroactive feature I have suggested?

Mr. BALL. I think that is a proper subject for collective bargaining between the employees and the employers. I do not think we should write it into the law or make it retroactive, because then we are again putting an obstacle in the way of the employer and employees reaching a free agreement by themselves. What I am trying to avoid is the Government dictating the terms on which the employer can recover his plant.

Mr. SMITH. I see the Senator's point, but it seems to me that it would clear up what we have in mind, if we wanted to put the whole matter in collective bargaining, to provide, when the dispute is settled, that the agreement shall be effective from the time the Government took over.

Mr. BALL. That would generally prevail in any collective-bargaining agreement reached, and I think such a provision would cause us to run into difficulties. As I have said, we would again put the pressure on the employer to accept the terms the Government suggests, if we wrote into the law provision that the settlement must be retroactive. As a general rule it will be, and that is a proper subject for collective bargaining.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. WHEELER. I call attention to the fact that in the case of the coal strike, and in the other disputes where the Government has stepped in, the employers' representatives have agreed to the contract which was put into effect. That happened in the coal strike.

Mr. BALL. They did not sign the contract. The contract was with John L. Lewis, not with the owners.

Mr. WHEELER. That was because the Government had taken the mines over. It does not make any difference. The employers' representatives sat in every minute, and the argument went on as between the employers on the one hand and the employees on the other. The thing that tied it up the last 48 hours was the dispute as between the attorneys representing the employers and the coal miners. There has not been one single agreement, when the Government took over plants, where the employers did not sit in.

Mr. BALL. Wait a moment. That is not my understanding of the way the coal-mine agreement was reached. Mr. Krug did not negotiate with the employers and the union representatives at the same time. He negotiated with John L. Lewis. It is true, I understand, that he kept the owners and operators informed of the progress, and presumably got their O. K. after telling them, "This is what I am going to agree to."

Mr. WHEELER. Not at all. The Senator is entirely misinformed, I am sure, with reference to that. Mr. Krug talked with the employers and he talked with the employees, and he acted as an arbitrator between them to get them together.

Let us see what would happen if the Senator's amendment were enacted. It would simply mean that we would freeze the situation completely, if the employees did not agree to what the employers wanted. Without any arbitration by the Government of the United States, we would still keep whatever the Government took over in the hands of the Government, and if the employees wanted Government operation they would never get together, because they would say, "We would rather have the Government operate the plant."

What we want is to have these disputes brought to an end in the quickest possible time, so that the railroads can be operated without Government intervention and so that the coal mines can be operated under private ownership. In my judgment the very thing the Senator is suggesting would do much to keep the Government in possession of seized industries for a longer time than has ever been the case in the past.

Mr. BALL. The Senator means there would be no incentive for the employees, knowing that so long as the Government operated the business they could get no improvement in their wages or working conditions, to reach an agreement with the employer and end Government operation? I am sorry; I cannot agree with the Senator's reasoning.

Mr. WHEELER. That is what would happen——

Mr. BALL. I am sorry; I cannot agree. Two years ago, when Mr. Ickes negotiated the contract with Mr. Lewis, it was the same story. He negotiated it and said to the owners, "This is the best deal I can make. You have to take it." That is about what happened this time. I am sure the operators will sign the contract eventually. It is the only way they can get their mines back.

Mr. WHEELER. I am sure the Senator has been misinformed with reference to the facts in both cases.

Mr. BALL. I am sure I am not in this one.

Mr. WHEELER. I happen to know something about it.

Mr. BALL. So do I.

Mr. WHEELER. I know that the employers' representatives sat in.

Mr. BALL. I am sorry, but the employers' representatives did not sit in on the negotiations between Krug and Lewis. Krug negotiated, and then he came back and told the owners what Lewis had demanded; and, incidentally, the first time they ever knew what his demands were was when Krug told them. Then he told them what he was thinking of offering to Lewis. But it is not what we regard as Government mediation, where a mediator simply goes back and forth between the two parties trying to find out what both will accept, and making a proposition to one, or bringing a proposition from one to the other. That is not the kind of procedure which was followed in this situation.

Mr. WHEELER. That is exactly what happened both in the case of the coal strike and the rail strike. I happen to know that what held up the contract, when everyone thought it was going to be signed at 2:30 the day before, was the fact that the attorneys for the coal operators would not agree to two specific proposals. They finally agreed to compromise on the proposals, and finally the matter was settled and the contract was signed. That manner of dealing with a situation is the only way by which such disputes are ever going to be settled. If attempt is made to settle such situations in the manner proposed by the Senator from Minnesota it will, in my judgment, simply result in prolonging the troubles, in prolonging the strikes, and causing greater disruption.

Mr. CAPEHART. Mr. President, is it in order to offer an amendment to the amendment of the Senator from Minnesota?

Mr. BALL. It is not in order to do so in my time, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota has a specified time allotted to him. He is entitled to the floor for that period.

Mr. BALL. Mr. President, with respect to the argument just made by the Senator from Montana, it seems to me that so long as the Government is in a position to negotiate a contract to change hours and wages and working conditions, to make them more favorable to the employees, there is bound to be an incentive to the workers to think that they can obtain better terms and conditions from the Government than they can obtain through free collective bargaining with their employers, so they will take action to force Government seizure. It seems to me if we want to place the same pressure on both parties, employer and employee, to get together and settle their differences themselves, that neither one should gain any advantage from Government seizure and operation. I do not think that will be true unless my proposed amendment is adopted.

Mr. BARKLEY. Mr. President, I rise to speak very briefly in opposition to the amendment offered by the Senator from Minnesota. It is a very simple proposition that the Senator from Minnesota has offered. His amendment proposes to freeze the wages at what they were when the Government takes over a plant or facility. In other words, his amendment proposes to freeze the wages at what they were when the controversy originated, which controversy had not been settled. No matter how long the Government may operate the plant, 2 months, 6 months, or a year, or under the amendment until the law expires on June 30, 1947, the wage which existed when the Government took over the plant would still be the wage, and the Government could not adjust it at all, and the Government would be required to turn the plant back to the owner with the same controversy existing that existed at the time the Government took over the plant in the first instance.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Is that necessarily true? Could not the employer and the employees still be negotiating, and when they advised the Government that they had entered into a contract, could not the Government return the plant to the employer?

Mr. BARKLEY. That would assume that while the Government is operating the plant and is the employer, the former employer and the employees could continue to negotiate and come to an agreement. It is possible that if such agreement were entered into the Government might relinquish control of the plant. But while the Government is operating the plant there are only two parties; that is the Government of the United States and the employees. Such a situation would occur only when the Government takes over a plant because of an emergency. It seems to me that it does not facilitate agreement between the employer and the employees for the Government to have no power whatever to adjust wages while the Government has the plant under control.

Let us consider the railroad strike and the coal strike. If the amendment of the Senator from Minnesota had been in effect when the Government took over the railroads, there could not have been any adjustment whatever of wages. The strike would not have been settled, and the Government could not have turned the railroads back to their owners, because the Government could not do anything about the matter. There was a dispute. There was a disagreement. It had not been settled. The Government took over the railroads and the parties entered into an agreement, and the carriers agreed to that, and the roads were turned back to the owners under the new agreement to which 18 of the unions had already agreed. Two of them held out, but finally they yielded, and all 20 agreed to the settlement.

In the case of the coal strike the Government took over the mines with a disagreement existing as to wages and a disagreement existing with respect to the welfare fund. Whatever may have happened in the closed sessions between Mr. Lewis and the operators we do not know, but the press has carried the information that there was a demand for 7 cents a ton, and so forth, to create a $60,000,000 or $70,000,000 fund, and the question of wages seemed not to have been discussed particularly, but finally the parties agreed on 18½ cents, and agreed on a welfare fund to be administered by a member of the union, and another member appointed by the Secretary of the Interior, and a third member to be selected by the first two. Which means that no one man shall control the administration of the fund. That agreement could not have been made under the amendment offered by the Senator from Minnesota.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. It seems to me that the Senator from Minnesota is overlooking entirely the fact that some plants may be taken over when there is no labor dispute existing, but simply by reason of the fact that there may be a national emergency, as there was during the last war when the Government took over plants in connection with which there was no labor dispute at all.

Mr. McAdoo, in World War I, took over the railroads and operated them. Let us assume he could not have done anything about raising the wages of the railroad men at that time. If so, we would not have had any worth-while operation of the railroads. Let us assume there were a lockout by the employer, or that some other dispute existed. If there were a lockout by the employer and the Government were obliged to take over and operate the railroads for any length of time, would anyone say that the Government should not, under such conditions, make any adjustment respecting wages? Some seem to think that it is always a labor dispute that is involved, but that is not always true. Other situations which might arise as a result of a national emergency would be affected by this measure.

Mr. BARKLEY. That is correct. If the amendment of the Senator from Minnesota had been in effect when the recent railroad strike occurred, the Government of the United States would still be operating the railroads, and might be continuing to operate them 6 months from now, simply because the Government could not do anything at all which would change the wage scale which existed when the railroads were taken over. And, ultimately, if the law expired and the power of the Government to operate the railroads ceased, the roads would have to be turned back to the owners with the same controversy still existing that existed when the Government took over the railroads.

The same would be true with respect to the coal strike, or with respect to any other dispute which resulted in the Government taking over facilities. It would be most unwise, it seems to me, to adopt such an amendment. It would militate against any settlement of strikes in any respect if the Government could not do anything to adjust wages while operating the seized plants.

It is provided in the bill that the Government may adjust wages, and the amendment of the Senator from Minnesota would nullify that provision. It seems to me that while the Government is operating seized plants or facilities,

whether for 2 months or 12 months, it should have the right to adjust wages, because if the Government cannot do that, then it must continue to operate the seized plants, and when it can no longer operate them, to turn them back to the owners with no settlement whatever of the dispute which required the taking over of the plants in the first place.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AIKEN. It seems to me to be assumed by the Senator from Minnesota that the power of the Government to make new agreements with the unions is detrimental to the owners of the plant or mines. I want to ask the Senator from Kentucky if it is not generally understood that the agreement which the Government finally reached with the coal miners was far more favorable to the owners and operators of the mines than the terms which the miners had demanded of the owners in the beginning?

Mr. BARKLEY. Insofar as I understand those terms, undoubtedly that statement is true. The final settlement, made almost immediately after the Government took over the mines, was more favorable to the owners than the demand which was made of the owners while the mines were not under Government operation.

Mr. AIKEN. We understand that Mr. Lewis demanded a $70,000,000 welfare fund, and that the Government finally settled on the basis of $25,000,000.

Mr. BARKLEY. Twenty-five million or thirty million dollars.

Mr. AIKEN. Or less than half the original demand.

Mr. BARKLEY. Yes; and also that the fund should be administered by three men, and not by one man.

Mr. AIKEN. Yes.

Mr. BARKLEY. If nothing could be done with respect to wages, if under the amendment offered by the Senator from Minnesota the Government could not have agreed to an 18½-cent-an-hour increase in wages, the chances are that the Government would have been compelled to continue to operate the mines, and operate them as long as it possibly could, and then turn them back with the same controversy that existed when the Government took them over.

Mr. AIKEN. And the chances are that the country and the public would not be assured of anywhere near as much coal as they are under the present agreement.

Mr. BARKLEY. Absolutely. I think I may say frankly, because I come from a coal-mining State, that in the long run it is to the interest of both operators and miners that the Government release control at the earliest practicable date. Certainly the operators desire the return of their property as soon as possible. But under the amendment offered by the Senator from Minnesota, I do not believe there would be any alternative except that the Government should hold and operate the mines, railroads, steamships, or other facilities, as long as it could operate them under the law, and then turn them back under the same disastrous conditions under which it took them over.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I suggest that what the distinguished Senator from Kentucky has said is simply another way of saying that by suppressing the dispute we continue and exaggerate the very thing which put the properties into Government possession.

Mr. BARKLEY. Absolutely. We hold the whole thing in status quo; and when the operation ends the things are still in status quo. I remember that during the Russo-Japanese War, when for 6 months Port Arthur was surrounded, every day the reports came in that Port Arthur was in status quo. Finally someone asked Irvin Cobb what that meant. He said that from the best information he had, it meant that Port Arthur was in a hell of a fix. [Laughter.]

Mr. MILLIKIN. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. To put it another way, the moment the Government lets go, we then have a flare-up of the original dispute, plus all the causes for dispute which have intervened.

Mr. BARKLEY. Yes.

Mr. MILLIKIN. We go through the whole rigmarole of getting into another strike, with the possibility of the Government again taking possession, and we never got out of the vicious circle.

Mr. BARKLEY. Absolutely.

Mr. MILLIKIN. I suggest that the ability of the operator of any business to have something to say about his wages and working conditions is essential and vital to the conduct of such business—a small business or a large business.

Mr. BARKLEY. Absolutely.

Mr. BALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BALL. Is not the Senator from Kentucky overlooking the fact that while the Government is operating these facilities there will be quite an incentive for both the employer, who wants his facilities back, and the employees, who want to get away from the frozen wage situation, to reach an agreement? The pressure would be about equal on both of them to settle the dispute.

Mr. BARKLEY. I think that if there is any incentive it is a very nebulous incentive. I think it is infinitely better for the country, for the properties, and for all parties concerned, for the Government, while it is operating the plants, to be able to do something by way of intervention to bring about an agreement, than to hold the property indefinitely and then perhaps turn it back with the same controversy, aggravated by whatever has happened while the Government had it in possession and operation.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I abhor what I think have been some of the political settlements made in wage disputes. I wish that the pending bill contained some kind of mandatory provision leaving the settlement of labor disputes to some sort of an independent agency. I notice that there is a provision which gives the President authority to appoint a panel or commission. I wish there were some provision in the bill looking to the establishment of an independent agency. It seems to me that it is very bad policy to have settlements which are necessarily affected by political considerations.

Mr. BARKLEY. I do not know—I suppose none of us knows—to what extent there may be political equations entering into settlements. Frankly, I do not know. I have not sat in on any conferences which have resulted in settlements, either befor or after the Government took over property; so I cannot inject my eyes into the bosoms of other men and try to see and assess their motives. I do not know whether there has been any political equation which has entered into these settlements; but, regardless of that, there have been settlements. The country very recently has been infinitely relieved by those settlements in regard to the transportation systems and the coal industry. We have been relieved of the tenseness and anxiety of the situation, and the whole country breathed a sigh of relief. Whether any politics entered into it I do not know. I seriously doubt it, because I do not believe that political considerations can be properly evaluated in the midst of a tense situation like that. But at least the railroad strike was settled, and the coal strike was settled. They were settled because the Government could do something about bringing the settlement to a conclusion.

Mr. MILLIKIN. I did not intend to precipitate a political discussion.

Mr. BARKLEY. I understand.

Mr. MILLIKIN. I was merely saying that I think it is human nature.

Mr. BARKLEY. Of course, we understand that everything that has to do with government is political. Politics is the science of government. Therefore a politician ought to be a man who is versed in the science of government. Here in the Senate we accept that as true.

Mr. MILLIKIN. I should like to make an additional observation. From the standpoint of equity, it seems to me grossly unfair to freeze the position of one party and not freeze the position of the other. They must both be dealt with alike.

Mr. BARKLEY. Absolutely.

Mr. MILLIKIN. If the owners have an opportunity to get their profits, which are the wages of capital, the workingmen should have a fair opportunity to press their own claims before some appropriate tribunal during the unfortunate period of Government operation.

Mr. BARKLEY. I appreciate that.

Mr. FERGUSON rose.

Mr. BARKLEY. One further observation before I yield.

Under the amendment of the Senator from Minnesota, all we would accomplish would be that the Government would operate the plants, without any power to

do anything to adjust the difficulty from which resulted Government operation. I think that cannot be denied.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. The way the amendment is worded at present, does it not practically amount to compulsory arbitration? The Government becomes the arbitrator and fixes the price.

Mr. BARKLEY. Yes.

Mr. FERGUSON. From the wording, "during the period of Government possession," I believe it is indicated that the Government has the right to fix the price and be the arbitrator during that period. But from experience do we not find that at the end of the period the property is transferred back to the owner, subject to the Government's prices?

Mr. BARKLEY. Yes.

Mr. FERGUSON. Which amounts to compulsory arbitration.

Mr. BARKLEY. I think the Senator is correct. We are fixing the price in the amendment. We are saying, "No matter what the wage was when the Government took over the plant, that must be the wage that shall prevail during Government operation, no matter whether it is 2 months or 12 months." No change can be made. The only change that could be made would be in some rule or regulation with respect to the health or safety of the employees.

Mr. FERGUSON. The Senator is speaking of the pending amendment, is he not?

Mr. BARKLEY. Yes; that is all the Government could do. But, as we all know, most of these controversies arise out of a dispute as to wages, and the Government could do nothing about wages. So long as the Government operated the plant, under the terms of this amendment we would be fixing the wage, which would be inflexible and unchangeable; and if there were any arbitration at all it would be compulsory arbitration.

Mr. FERGUSON. As a suggestion, this being in effect compulsory arbitration, would it not be fair to both sides to have the owners appoint an arbitrator, labor appoint an arbitrator, and the Government appoint an arbitrator during this period if it were desired to change the wages?

Mr. BARKLEY. I think that could be done, if it did not freeze the wage so that the Government could do nothing.

Mr. FERGUSON. Not to freeze the wage, but to leave it as it is; but instead of saying that the Government may do it alone, we could say that during this period management may name an arbitrator, and labor may name an arbitrator, and if they do not do so within a reasonable time the Government could name three arbitrators, and then we would arrive at a fair solution and have compulsory arbitration during that period.

Mr. BARKLEY. In my judgment, that would be better than the amendment offered by the Senator from Minnesota. But I do not believe that even the suggestion made by the Senator from Michigan would solve the problem. I think that while the Government is in control and operation of these plants it is wise to continue, as it has heretofore, to negotiate agreements which result in the ability of the Government to turn the plants back to their owners. The Government does not want to keep them any longer than is necessary. Neither employers nor employees want it. Although the Senator's suggestion is an improvement, in my judgment, over the amendment which is now pending, I doubt whether we could wisely provide in the law which we are now considering that while the Government operates the plants there shall be the sort of compulsory arbitration which might be involved in the Senator's suggestion. Therefore, I hope that the amendment will not be agreed to.

Mr. FERGUSON. Mr. President, will the Senator yield so that I may ask the Senator from Minnesota a question?

Mr. BARKLEY. I think the Senator from Minnesota still has the floor; but if I have it, I yield.

Mr. FERGUSON. Will the Senator yield for a question?

Mr. BARKLEY. I remember now that I have the floor. I rose to speak against the amendment. I had forgotten that. I yield to the Senator from Michigan.

Mr. FERGUSON. Would the Senator from Minnesota accept an amendment which would provide for arbitrators in the manner I have suggested?

Mr. BALL. Does the Senator mean to fix the terms of operation during Government operation?

Mr. FERGUSON. That is correct.

Mr. BALL. I think that would be preferable to the present provision in the bill.

Mr. FERGUSON. Would the Senator accept such an amendment to his amendment?

Mr. BALL. I should like to see it.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Who has the floor? And how long can a Senator hold the floor?

The PRESIDING OFFICER. The Senator from Kentucky had the floor. He yielded to other Senators.

Mr. HATCH. Mr. President, I am addressing the Chair. I seek recognition.

The PRESIDING OFFICER. If the Senator will give the Chair an opportunity to make a statement, the Senator from Kentucky had the floor, and he is entitled to it for 30 minutes. He had yielded.

Mr. HATCH. He has taken his seat.

The PRESIDING OFFICER. Since the Senator from New Mexico addressed the Chair the Senator from Kentucky has taken his seat, and the Senator from New Mexico is now recognized.

Mr. HATCH. Then I have the floor in my own right?

The PRESIDING OFFICER. The Senator from New Mexico has the floor in his own right for 30 minutes, under the rule.

Mr. HATCH. Mr. President, there seems to be a great deal of confusion about what we are trying to do in this bill—whether the Government of the United States is trying to fix rates and wages or whether, under an extreme emergency, the Government is called upon to take possession of certain vital industries.

I have not had an opportunity to study the amendment offered by the Senator from Minnesota, but, as I understand, it provides that neither party shall gain any right by reason of the emergency. Mr. President, I favor that proposal. I favor the theory that neither labor nor management shall profit by the emergency which causes the Government to take the extreme action of seizing any property.

I take the position that when the Government is required to take possession of a railroad or a coal mine, I care not which it is, in order to protect the health, the safety, and the welfare of the 140,000,000 people of the United States, the Government should not become either the bargaining agent of labor or the bargaining representative of management. Yet it is argued on the floor of the Senate that the Government should do so. Mr. President, the Government should not do so. Whenever the United States Government seizes property under such an extraordinary circumstance as that, the Government should seize it and hold it strictly as it is, and should protect the welfare of the people by operating the railroads or by operating the coal mines, but leaving the private differences of the parties to be settled by collective bargaining or by whatever other instrumentality is available. Is not that reasonable? That is my position, and that is the position of the Senator from Minnesota [Mr. BALL] in regard to this amendment. Certainly under the Government of the United States the Senate cannot take any other position. This great power should never be exercised except in time of great stress and great national emergency. That is what this measure is designed to meet. It is offered for that purpose and that purpose alone. Yet there are Senators who wish to use this measure—and they argue it here, and they include my own distinguished majority leader—in such a way as to have it provide that in such times of great stress the Government should negotiate wages and hours, and perhaps should lay a penalty upon workers or a penalty upon employers.

Mr. President, I simply do not see that. I think it is entirely wrong, entirely contrary to the theory of the bill itself, which is only that under dire distress, under great emergency, the Government of the United States will use this great power and will step in and preserve the life and welfare of all our citizens. Some Senators say that such an emergency should be used to negotiate wages and hours and other things which are at the very root and bottom of the dispute, and they would have the Government say, "We will use our great power and we will say that labor should be paid so much an hour, that hours should be so short"—and I am not drawing any distinctions whatever—"or that profits should not exist." That is what this bill provides; all those things are in it. Then they would have the Government say that it wishes to use it as a means of negotiating or bargaining for

either side. Mr. President, that is simply wrong; I do not care which side is involved.

The only reasonable thing to do is to say that under such grave, extreme circumstances the Government will exercise its sovereign power and will protect the life and welfare of the American people, but that we will not allow that power to be used for the purpose of the selfish gain or advantage of either side.

Therefore, Mr. President, without any hesitation whatever I support the amendment offered by the Senator from Minnesota.

Mr. FERGUSON. Mr. President, section 3 indicates that the President shall, in his proclamation, before he makes any investigation at all, simply arbitrarily, before he seizes the plant, do what subsection 4 provides, namely:

> Establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession.

In other words, this is a law to be enacted by Congress, saying to the President that he shall fix the wages before he takes over the plant; and then, I think it is fair to say, when the plant is returned to the owner, it will be returned on the basis of using the wage-scale fixed by the President.

The reason why I suggested that it is equivalent to compulsory arbitration is that it amounts to arbitration by the President before he takes over the plant, only on his decision. Certainly it would be fairer and more equitable to say that the management might have one of the arbitrators, even though he be a special pleader, and that labor might have an arbitrator, even though he be a special pleader, and that the President or the Government should name the third arbitrator. If we are going to have forced arbitration or compulsory arbitration, let us do it in the regular way in which we have been accustomed to arbitrate, instead of by saying to the President, "You shall fix the wages arbitrarily before you seize the plants; you shall do that in your proclamation."

I am sorry that the majority leader is not now in the Chamber, for I should like to have his reaction to the suggestion that not having time here tonight, because of the pendency of the vote, in conference between the House and the Senate he would urge some wording for this particular provision so as not to compel the President to fix wages in his proclamation, but to permit it to be done, after the plant is being operated by the Government, by the arbitrators named by the respective parties and by the Government.

Mr. BALL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. FERGUSON. I yield.

Mr. BALL. I simply wish to call the Senator's attention to the fact that the only way by which subparagraph (4) could go to conference would be by means of some amendment which the Senate might make to it. Therefore, I suggest that if we adopt the amendment I have proposed, the whole matter will be in conference.

Mr. FERGUSON. The able Senator is correct.

Mr. BALL. Otherwise, it could not be changed in conference at all.

Mr. FERGUSON. The able Senator is quite correct. Under the rules pertaining to conference, this section would not go to conference, because we would have made no change, and therefore there would be no conference concerning it.

Therefore, Mr. President, I urge that we make some amendment, even though we adopt the amendment of the Senator from Minnesota, in order that the matter may go to conference.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WHEELER. Le me say that under the precedents in recent years a bill can be completely rewritten in conference. That has been done; bills have been rewritten completely.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WHITE. Let me say that that has been done when the Senate has moved to strike out all after the enacting clause and insert new matter. But then the whole measure is in conference.

But when the same matter is agreed to by the House and the Senate, it is not in conference.

Mr. WHEELER. I have checked on it, and we have done it in conference. Not only have we rewritten a measure, but we have done the very thing I have mentioned. It may be technically against the rules of the Senate, but it has been done repeatedly. The Senator from Maine has served on conference committees in which it has been done.

Mr. WHITE. If I have done it, as the Senator from Montana has said, I have done it under the lure of the persuasiveness of the Senator from Montana, and not under my own view, because it is perfectly clear, under the rules, that only matters on which different action has been taken by the two Houses can be considered in conference. Only when the Senate and the House have taken different positions on a certain matter can it be considered in conference.

Mr. FERGUSON. Mr. President, I hope that we may be able to agree to some form of amendment to this provision which can be taken to conference where a proper solution may be worked out and thereby enable equity to be done to all parties concerned. We do not wish to give to anyone an incentive to work for the Government as an employee, or an incentive to the Government to take over the plant and operate it at a profit.

I assume that under the Constitution of the United States just compensation shall be paid to the owner of a plant which has been seized by the Government. That does not necessarily mean that profit shall be made. I dare say, Mr. President, that such a provision as the one before us might result in the open wedge being driven into America so as to permit the entrance of state ownership of property.

Mr. President, we are asked to do a very serious thing. We should be careful not to give to anyone an incentive which might break down the system which has been established in America. I hope that we will work out some kind of a provision which will enable free enterprise to continue our present system in America. We should make it possible for the continuation of collective bargaining instead of making possible the enforcement of compulsory arbitration.

Mr. MORSE. Mr. President, I rise to endorse the arguments which have been made against the amendment of the Senator from Minnesota by the very able senior Senator from Oregon [Mr. CORDON], the distinguished junior Senator from Colorado [Mr. MILLIKIN], the highly experienced Senator from Montana [Mr. WHEELER], and the great majority leader the senior Senator from Kentucky [Mr. BARKLEY].

In supporting those arguments I wish to observe that I believe the whole procedure of amending this bill today is a very good example of why the bill should have been recommitted. I am satisfied that if the Members of the Senate had an opportunity before they vote to read in the CONGRESSIONAL RECORD tomorrow the arguments of the Senators to whom I have referred, the Ball amendment would be overwhelmingly rejected.

We are now being asked to pass upon amendments which involve many legal implications and highly technical questions. We are attempting to patch up a bill on the floor of the Senate without first conducting hearings before a committee so that witnesses on both sides of the questions may be examined. I believe it is a most unfortunate example to set before the American people, insofar as living up to our responsibilities of passing legislation with care and due consideration. If I were to characterize the patchwork job which has been done in connection with this bill, I would call it a crazy-quilt bill.

Mr. President, as we consider the Ball amendment, we should pause long enough to consider some of the dynamics of labor disputes. We should recognize some of the problems with which we are dealing when a situation develops to such a serious extent that the emergency of the type covered by this bill requires, in his opinion, the President, to issue a proclamation to take over some mine, some industry, some plant, some railroad, or some other industrial facility. Such emergencies just do not happen. They are not a matter of chance. They are the product of cause to effect. There are underlying causes to all the emergencies about which we have been talking.

When we consider legislation of this type we should consider it in the light of its relation to the cause of the disputes to which we seek to apply the proposed legislation. Let me say that in the dynamics of American labor relations there are too many employers who would like to destroy the unions within their plants and industries. There are still too many employers who would be willing to go to

great extremes in order to break the back of organized labor. They would be willing to pay quite a price in order to accomplish that result. There are also employers who, in order to get rid of the unions within their plants or industries, would be willing to pay the price for such length of time—I wish to underscore the word "time" because time is of great importance in labor disputes—as would be necessary in permitting the Government to operate their industry.

The debate early in the afternoon in connection with one section of the bill which was stricken out brought out the fact that under our Constitution it is a judicial question and a judicial prerogative to fix just compensation for property which the Government seizes and over which the Government exercises control.

In the instances of which I speak, and in which employers are out to destroy the unions in their plants, those employers do not lose anything, Mr. President, from the seizure. The greatest profit which they could receive in their antilabor view would be to destroy organized labor within their plants. In view of the fact that under Government seizure they would be entitled, as a matter of constitutional right, to just compensation for the use of their property so long as the Government had it seized, they would not lose anything. With such an antilabor viewpoint, those employers have everything to gain and nothing to lose by the Ball amendment.

Do not believe, Mr. President, that there are not employers who would use strategy on their side of a controversy just as unions would be willing to use strategy on their side. Therefore, I assert, Mr. President, that the Ball amendment would be a powerful weapon to place in the hands of those employers who would welcome Government seizure for the period of time necessary in order to break the unions within their plants.

Oh, it is said that, of course, the employers would be anxious to get back their plants. Mr. President, do not overlook the fact that the employers recognize that union leadership is weakened week by week as controversies continue such as those which would be covered by this legislation. Dissension develops within the ranks of union membership when settlements are not reached quickly. The union leaders are constantly put into an alibi position when time drags on and a dispute is not settled. They are required to explain, explain, explain, and explain to their membership. Finally, as time goes on—and the employers know this—the support of the union leaders begins to weaken, and eventually the membership says, "Well, let us make some deal in order to get this controversy over with."

Therefore, Mr. President, I assert that employers, recognizing that time is always of the essence so far as labor's power is concerned, will take advantage of the time element in the amendment and use it to break unions. That is why I am so much opposed to another Ball amendment which the Senate passed, namely, the 60-day cooling off period amendment. I assert that it will prove to be a strike-breaking and union-busting amendment.

There is another type of labor dispute to which this new Ball amendment will be a great boon. It will be a great boon to the leftist movement in American labor in their labor disputes. Do not overlook the importance of it, Mr. President. We must be realistic about that problem. There is a leftist problem in American labor just as there is a leftist problem in many other groups of American citizens. There are leftists who seek to penetrate the labor movement just as they seek to penetrate other social organizations. Part of their technique is to work up political strikes.

Mr. President, allow me to point out that in a case in which the wages, hours, and working conditions might be quite reasonable, nevertheless, if the leftists could succeed in stirring up sufficient trouble within the union organization concerned, or within the plant, so as to force a Government seizure, they will do it. Under the Ball amendment the Government would be in the position of functioning as a tool of the leftists. Thus the leftists would, through the back door, accomplish their objective of State control of that industry because they would never agree to reach an agreement with the employer.

What is their objective, Mr. President? Their objective is statism. The objective is Government control of the national economy. They will make use of the Ball amendment to carry out their objective. So I say that the amendment plays into the hands of the leftists who wish to accomplish their purpose of state economy. It works against the best interests of those labor leaders who are fighting to preserve the private property economy, and those who are fighting to preserve collective bargaining.

The third point which I wish to make is that, in settling labor disputes which have reached the emergency crisis of such serious character as to make it necessary for the Government to seize under the proposed bill, we need to recognize that in the majority of such cases there is some cause for labor's position.

As I have said several times before, I have yet to see one single major labor dispute in which all the wrong was on one side and all the right on the other. Both sides in most labor disputes are partly at fault and are partly right.

Therefore, Mr. President, flexibility, and a maximum degree of flexibility, and the power to exercise reasonable discretion, are essential and must rest in the hands of those Government officials who are to have the responsibility of operating, for the Government, plants and mines and other facilities.

Therefore, I think it very important that when the Government takes over property under such circumstances, it have the power to exercise reasonable discretion in eliminating unjust working conditions, unfair wages, unjust hours. These are factors in the relationship between the union and the employer that give rise to the great misunderstandings which produce such emergency conditions as this bill seeks to cover.

I grant that such discretion can be abused. I think it has been in some cases. Nevertheless, if we are really to have the industries which are seized by the Government operated on a harmonious basis, then we should vest in the operators—in this case the Government—the power to see to it that injustices are corrected, and that fair and reasonable wages and working conditions and hours become the policy of the Government.

Surely, Mr. President, we should not want to put the Government of the United States in a position where it operates a mine or a railroad, or any other facility, on terms of wages, hours, or working conditions which are unfair, unreasonable, and unjust. Under the provisions of the Ball amendment, the so-called exceptions do not give to the Government the power to correct unfair wages and unreasonable working conditions and unjust hours. Those exceptions are limited only to questions of health and safety, and that is not broad enough.

Mr. President, I say—and I speak my judgment—we do not want to put the Government, first, in the strikebreaking business, and, second, we do not want to put the Government into a position in which it administers any facility it seizes on the basis of wages, hours, and conditions of employment which never in the first place ought to have been the wages, hours, and conditions of employment under which the workers were required to work.

The distinguished Senator from Michigan [Mr. FERGUSON] made some comments with which I agree, but on the point in regard to arbitration, insofar as he seeks to implant in this bill the principle of compulsory arbitration, I am unalterably opposed to his stand. I am unalterably opposed to it, because I see in the vehicle of compulsory arbitration in any form whatsoever another opportunity to move us in the direction of a totalitarian government.

Even if we adopted the Senator's arbitration procedure as suggested, under his very procedure the Government man in the middle would be the final arbiter. He would be the one who would determine the wages, the hours, and the conditions of employment, because that is always true whenever there is an arbitration board set up with labor and management on the board and the representative of the Government in the middle.

What difference does it make whether some Government arbitrator or the President exercise the power to fix wages, hours, and conditions of employment in such emergency cases as we are dealing with under this bill? I prefer the flexibility inherent in leaving the problem squarely up to the President.

Mr. President, I close by renewing my plea that the Senate not adopt the Ball amendment, especially in view of the fact that there has not been opportunity to study the arguments, many of them legal arguments, which have been made here in the last 45 minutes as to the implications of the bill. I am satisfied that if those arguments were studied the vote would be overwhelmingly against the amendment.

Furthermore, I do not think we should adopt it because we have not had the op-

portunity, which I think we should have, to hear the testimony of experts who should be brought before the appropriate Senate committee to point out what I assert, Mr. President, are very serious dangers and unwise implications embodied in the Ball amendment.

I conclude by asking unanimous consent to have printed in the body of the RECORD, without my reading them now, as part of my remarks, four newspaper articles on the recent railroad strike.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RAIL STRIKE TALKS TRANSCRIPT

CLEVELAND, May 30.—Headquarters of the Brotherhood of Railroad Trainmen yesterday made public a stenographic record of two telephone conversations with the White House on May 18, date of the 5-day postponement of the rail strike.

Principals in the conversation were identified by the headquarters as A. F. Whitney, president of the trainmen; Alvanley Johnston, president of the Brotherhood of Locomotive Engineers; Dr. John R. Steelman, labor adviser to the President; President Truman, Ray T. Miller, legal counsel for the brotherhoods.

The first conversation was timed at 3:02 p. m. at the start and 3:10 p. m. at the conclusion. The portion of it made public follows:

"Dr. STEELMAN. I am here with the President.

"The PRESIDENT. It seems to me further negotiations might get somewhere in this. I thought it would yesterday but didn't have a chance to tell you that. As far as a postponement is concerned, if it is properly handled I don't think there is any chance of any trouble if you don't work it out.

"Mr. JOHNSTON. Well, Mr. President, I said the other day, I knew we would not get anywhere. They gave us the same old song and dance that they are broke.

"The PRESIDENT. I can't answer for that but I am satisfied that is not the idea. I wouldn't be asking you to negotiate further if I thought it was.

"Mr. WHITNEY. This is Mr. Whitney, Mr. President. Can you give us assurance that you have talked with the railroads and that they want a conference and are willing to do something definite?

"The PRESIDENT. Yes.

"Mr. WHITNEY. And further, that in case we don't settle, that the Smith-Connally Act will not be used against us?

"The PRESIDENT. If you handle the matter in the manner suggested to you, why there is no possibility of your getting into any trouble over that.

"Mr. WHITNEY. And you will protect us with the Attorney General as far as you can?

"The PRESIDENT. Yes, I will. I have been trying to protect you but you were not very kind to me. When I talked to you before I felt mighty badly about that because you were in the President's corner before and you were not this time.

"Mr. JOHNSTON. You were all right but they weren't, the railroads.

"The PRESIDENT. I understand that, but you didn't give me a chance to do anything about that. I am asking you now to give us that chance.

"Mr. WHITNEY. We will talk with our committees here and call you back within 10 minutes. Will that do?

"The PRESIDENT. That will be all right.

"Dr. STEELMAN. Wait a minute.

"Mr. JOHNSTON. He said wait a minute.

"Dr. STEELMAN. Hello, A. F., what I had in mind here, for your own benefit, if you are going to discuss it we don't want to pull any tricks on you with that Smith-Connally Act, and if you agree with the President and you announce at the President's request you are postponing the strike; here is the way you put it—we have moved the strike date over from 4 p. m., May 18, to 4 p. m. whatever date.

"Mr. WHITNEY. The 23d.

"Dr. STEELMAN. I would like to have 10 days, but if you can do the job quicker we want to do it. The quicker the better of course. You move the strike date from 4 p. m. May 18 to 4 p. m. some other date. See what I mean?

"Mr. JOHNSTON. Yes.

"Mr. WHITNEY. Yes.

"Dr. STEELMAN. We cannot say—nobody can criticize you or get after you on the law about that.

"Mr. WHITNEY. All right.

"Mr. JOHNSTON. You understand the only way we can call this off or postpone it—we have to put out a code word. Now, then I want assurances if we postpone this thing and we have later got to reinstate it—another code word—and that will not be considered a violation of the law.

"Dr. STEELMAN. You use a code word now to postpone it?

"Mr. JOHNSTON. To call it off, which will advise the postponement. That's right.

"Dr. STEELMAN. Then I think after I do that you could send a wire and get yourselves on record that you have agreed upon the request of the President to move the strike from —— to ——.

"Mr. JOHNSTON. That is not it. They will have to have this code word if we postpone. Now then, we want another code word to take care of it, and I want to ask—that wouldn't be a violation.

"Dr. STEELMAN. No.

"Mr. JOHNSTON. O. K.

"Dr. STEELMAN. No; that's right.

"Mr WHITNEY We will call you in a few minutes.

"Dr. STEELMAN. The President will see to it that the railroads will make some further concessions, but you cannot quote it. Say you are postponing at his request and returning here immediately for further negotiations.

"Mr. WHITNEY. I think we understand the situation he is in.

"Dr. STEELMAN. All right.

"Mr. WHITNEY. O. K.

"Dr. STEELMAN. Good-by."

(3:10 p. m.)

The text of the second transcript follows:

At 3:33 p. m. President Whitney and Brother Johnston called the White House, and the following conversation took place:

"President WHITNEY. Hello. Dr. Steelman?

"Dr. STEELMAN. Yes. I am still sitting here with the President.

"President WHITNEY. Can you listen in and have one of your stenographers take down what I say, so you will have it?

"Dr. STEELMAN. Yes; we can get somebody on the line to take it down; wait just a minute." [A pause.] "O. K. You want to give it to me and say a word to the President later?

"President WHITNEY. All right. The organizations have agreed to postpone the strike date.

"Dr. STEELMAN. Have agreed to postpone the strike date.

"President WHITNEY. From 4 p. m. May 18 to 4 p. m. Thursday, May 23.

"Dr. STEELMAN. Start over.

"President WHITNEY. All right, we will start over. The engineers and trainmen have agreed to postpone the strike date from 4 p. m. May 18 to 4 p. m. Thursday, May 23, 1946, if the President will immediately announce this action, and state that our action is responsive to a request from the President, with his assurance that further concessions can be made with the railways, and that the organizations will not become involved by such postponement under the terms of the Smith-Connally Act. Is that enough?

"Dr. STEELMAN. Is that it, now, Al?

"President WHITNEY. Now, can the President make that announcement?

"Dr. STEELMAN. Yes; I want to talk to you a minute about that so there is no misunderstanding. This statement; now, I will get our man here to type that immediately and bring that in to us while we hold you on the telephone.

"President WHITNEY. We only have 20 minutes to get this word out now.

"Brother JOHNSTON. If we don't do that and do it damned quick, they will be out anyway.

"Dr. STEELMAN. That's right.

"President WHITNEY. Now, another thing; I think you should announce that the trainmen's code word is 'convention,' so our men would understand it.

"Dr. STEELMAN. The trainmen's code word is 'convention'?

"President WHITNEY. That's it.

"Brother JOHNSTON. And the engineers' code word is 'Johnston.'

"Dr. STEELMAN. 'Johnston'?

"Brother JOHNSTON. All right; I will hold the wire.

"Dr. STEELMAN. Does that mean to continue operations?

"President WHITNEY. That to them means that they will continue operations until next Thursday at 4 p. m.

"Dr. STEELMAN. Now, then, I will let you explain to Charley Ross; you want us to mention that from here, too.

"Brother JOHNSTON. If you want to get these men to work—otherwise they will be out.

"Dr. STEELMAN. What does Mr. Ross say to the press?

"President WHITNEY. Just say to the press that trainmen's code word is 'convention' and the engineer's code word is 'Johnston.'

"Brother JOHNSTON. Now, John, another thing: Can you have the President arrange for transportation in a plane out of here tomorrow morning to take care of our 9-10 men?

"Dr. STEELMAN. Yes; we can get a plane to bring you in here tomorrow.

"Brother WHITNEY. We can talk about that later today.

"Brother JOHNSTON. All right.

"Dr. STEELMAN. There is one word here—I don't personally think the President ought to say he has assured you about the Smith-Connally Act. I think you move the strike from such a date to such a date. I will see the Smith-Connally Act is not involved.

"Brother JOHNSTON. Ray Miller wants to talk to you.

"Mr. Ray T. Miller—John.

"Dr. STEELMAN. Yes, Ray.

"Mr. MILLER. You are going to make the announcement from the White House?

"Dr. STEELMAN. We will make it right this minute.

"Mr. MILLER. I am very much concerned about the postponement of this thing resetting a strike date which could be in violation of the Smith-Connally Act.

"Dr. STEELMAN. You set a strike date and move it and nobody can touch you for moving the day.

"Mr. MILLER. Here is what I think you might do; when you make the announcement, do this: 'That this postponement was agreed to for the purpose of arriving at a settlement at the request of the President of the United States which entails notice to all employees, officers, etc., and calls for the setting of a new strike date on May 23, 1946, with the understanding that no violation of the Smith-Connally Act is involved.'

"Dr. STEELMAN. Yes.

"Mr. MILLER. Then I think we are all set.

"Dr. STEELMAN. We could say that the Smith-Connally Act is not involved in this postponement.

"Mr. MILLER. Because I think a postponement is definitely a violation unless agreed to.

"Dr. STEELMAN. Look here, Ray. The President doesn't think we ought to say a word about that—to handle it in your own notice. We will say that you moved the strike date, but the President has given you his word that it doesn't apply.

"Mr. MILLER. Since we have that, that's all right. Say, better get hold of Tom Clark and have him so understand.

"Dr. STEELMAN. Well, there is no trouble.

"Mr. MILLER. Now you think we ought to use the word move instead of postpone.

"Dr. STEELMAN. We will put out notices accordingly.

"President WHITNEY. Hello, Mr. President.

"The PRESIDENT. Hello. This message you have dictated is O. K. and Steelman understands it.

"President WHITNEY. We would like to have you announce it to the public immediately because we haven't got time enough to call the strike off now.

"The PRESIDENT. All right.

"President WHITNEY. But, we will do the best we can to reach everybody possible.

"The PRESIDENT. We will announce it here.

"Brother JOHNSTON. You take care of it from your end. Thank you.

"The PRESIDENT. Thank you, good-by."

RAIL UNIONS ASK TRUMAN TO REJECT ANTISTRIKE BILLS

Three of the railroad unions whose members stayed on the job have asked President Truman not to sponsor antistrike legislation.

They pointed out that they had successfully worked out contracts under the Railway Labor Act "without an interruption of production."

But, they said, certain measures now are before Congress which are "punitive and restrictive * * * un-American, unconstitutional, and unworkable."

"Enactment into law of any of these measures would vitiate and destroy traditional principles of freedom and liberty," they declared.

The request was put in a telegram last night from D. B. Robertson, president of the Brotherhood of Locomotive Firemen and Enginemen; H. W. Fraser, president of the Order of Railway Conductors, and T. C. Cashen, president of the Switchmen's Union of North America.

The text of the telegram was made public by Mr. Robertson, who is here on union business.

The union heads said they were speaking for 250,000 railroad employees.

TRUMAN SHOWED WEAKNESS, NOT STRENGTH, IN RAIL STRIKE

(By Willard Shelton)

For the historian, one of the fascinating studies of our times may be the processes by which Harry S. Truman was beguiled and befuddled into his vitriolic attack on the railroad brotherhoods and his even more extreme request for legislation empowering him to smash strikes by drafting union members into the Army.

The White House is bravely issuing stories about the 7,000 telegrams of support Mr. Truman received. But faint glimmerings of doubt must surely be flickering now in the Presidential mind. Men who have believed in the New Deal, and who have supported Mr. Truman's legislative programs, are profoundly shocked by the almost rabble-rousing tone and spirit of the President's labor proposals. James G. Patton of the Farmers Union calls them "naked, open fascism." Conservatives and progressives alike in the Senate shrank yesterday from the fantastic Presidential plan for labor "peace."

The telegrams of praise and glad endorsement went from citizens who could afford the luxury of such expressions. They did not come from the hard-working, patriotic rail workers who, whipped and sullen under the White House tongue lashing, nevertheless know their rights and deeply resent intervention which unnecessarily traduced them. Mr. Truman used a 16-inch gun on A. F. Whitney and Alvanley Johnston when a verbal rifle shot would have been enough.

OUT OF CHARACTER

How did the President let himself be trapped into such a blunder?

Everything in his record, as a Senator, suggests that the action was out of character. When he claimed for himself a demonstrated sympathy for the right of labor, he spoke sober truth. He has none of the natural attributes of a dictator and he has obviously hesitated to use coercion.

Yet suddenly he turned with fury, bitterness, and verbal violence upon the unions and demanded labor-control powers such as no President in time of peace has ever before requested.

It was the act, I believe, of a small man attempting to prove himself a big one. Goaded and harassed in his job, unable to get Congress to follow his leadership, unable to force powerful corporations to accept fact-finding board recommendations, he finally leaped upon a victim weak enough for him to master. He decided he could bust the leaders of the rail unions—and all his pent-up frustrations burst forth in one lava-like stream.

The President acted, also, as a man would who has surrounded himself with mediocrities and self-promoters as intimates—John Snyder, George Allen, and the ambitious John H. Steelman. He has blocked off advisers who are better informed, more conscious of the general welfare, and genuinely liberal in their instincts.

FLEES FROM BRAINS

A strong President would not be dominated, knowingly or otherwise, by Snyders and Allens. A President who understood the nature of the country's postwar industrial crisis would not tolerate the intimacy of men whose own inadequacies form the basis of the advice they whisper.

There are brains to spare in the administration—brains that are shrewd, sincere, and available for Mr. Truman's use. But they aren't found in the White House. He shrinks from men of brains, apparently because he is uncomfortable in their presence; because in his own deep unsureness, he finds it more palatable to deal with lesser minds which do not disturb his sense of chieftainship.

So he makes mistakes. He hesitates too long to assert Presidential leadership in critical industrial disputes and then, at the end, plunges into unnecessary and one-sided gestures which spring not from strength but from weakness. To his credit, it is likely that he has ignored recently the direct effect of labor policy on his personal political fortunes; he is a man of fundamental devotion to the public welfare. But he has blundered, unhappily, into a position which leaves him with the strong support of neither conservatives nor progressives. And some liberals are feeling that an avowed conservative, such as Senator TAFT, could scarcely have done worse in the industrial struggle.

THINK THIS DEAL OVER

A. F. Whitney and Alvanley Johnston made public the text of their telephone conversations with Dr. John R. Steelman and the President in order to show that they were double-crossed in postponing the rail strike for a week. The postponement was ordered on the tacit assurance of Dr. Steelman and the President that the railroad management would yield additional points. The railroad management did not yield and the end of the postponement found the President on Capitol Hill asking for his emergency legislation and putting the blame on Messrs. Whitney and Johnston.

That is one side of it and the transcript speaks for itself. To many Americans, however, the incredible picture revealed by these telephone conversations relates to the agreement between these four men to evade the provisions of a Federal statute and to fix it up in advance with the Attorney General. The evasion revolved about the question whether, the Government already having taken over the railroads, renewal of the strike after a truce would constitute violation of the Smith-Connally Act. The railroad men were advised by their own and other counsel that it might be so considered.

Said Mr. Whitney: "Our attorneys advised us, if we postponed this strike for 5 days, we will say, and then we don't settle, and the strike goes on, that might be considered a violation of the Smith-Connally Act."

The President: "I don't think it would be if you follow the directions that Steelman has dictated to you."

President Whitney: "And you will protect us with the Attorney General as far as you can?"

The President: "Yes."

In the long history of short-cuts, expedients, evasions, and double dealings that through the war and since have marked the National Government's role as a mediator in strikes and threats to strike, things like this may have happened before. But they have been carefully withheld from the public. The transcript of these telephone conversations now reveals, in all its discomfiting implications, the affront to public conscience that results when the President of the United States and his mediator, Dr. Steelman, put themselves in the position of arranging how to circumvent a Federal statute in order to gain a few days' respite for the people of the United States from a strike which would mean national chaos.

INSIDE WASHINGTON

The other day a bitter fight broke out on the Senate floor between Majority Leader BARKLEY, of Kentucky, and Senator MORSE, of Oregon, prolabor Republican.

MORSE charged that President Truman knew before his address to Congress last Saturday that the rail strike had been settled. BARKLEY denied the charge, and the White House later denied it, too.

Newsmen who have been trying to fit the puzzle together on the basis of various bits of evidence have come to one conclusion—that Dr. John R. Steelman, special assistant to the President, engaged in some delaying tactics during the final phases of the negotiations in the hour preceding Mr. Truman's talk.

There is every indication that those tactics enabled the President to make his climactic announcement—in the midst of the address to Congress—that the rail strike had ended on his terms.

Whether Mr. Truman knew about Steelman's antics will be argued for some time to come. Here are the known facts:

On Saturday morning President Truman, aroused over the stubbornness of the heads of the two striking railroad brotherhoods, ordered an end to all Government mediation efforts involving this pair.

Mr. Truman was determined to stick by his 18½-cents-an-hour compromise offer which A. F. Whitney and Alvanley Johnston had turned down before the strike started.

The President had given his back-to-work ultimatum and was preparing his legislative recommendations for the joint session of Congress.

Whitney and Johnston knew that they were licked and tried, as a last resort, to obtain a face-saving compromise through Secretary of State Byrnes and Secretary of Labor Schwellenbach.

Byrnes was an old friend of the two union men, and Schwellenbach used to represent Johnston's brotherhood in court back when

the Labor Secretary used to be an attorney in Washington State.

But the President ignored the Whitney-Johnston final compromise appeal by letter.

Within a short time after the White House had announced Mr. Truman's ban on further Government mediation attempts with Whitney and Johnston, Steelman held meetings with the carriers and with the 18 nonstriking railroad unions to get their acceptance of Mr. Truman's 18½-cent offer for all railroad workers.

When the conferees agreed on the 18½ cents, with a 1-year moratorium on working rule demands, the pressure on Whitney and Johnston was increased greatly. For now any striking trainmen and engineers who chose to go back to work on their own would have obtained the pay raise.

"AS A PRIVATE CITIZEN"

So Johnston and Whitney asked Steelman to meet with them once more. Steelman said, in effect, "I cannot do so as special assistant to the President, for Mr. Truman has ordered termination of Government mediation with you, but perhaps I can join you as a private citizen."

This Steelman did, with President Truman's knowledge and consent. So Private Citizen Steelman met with Whitney and Johnston and carrier representatives early Saturday afternoon.

It was the second time in his public-service career that Steelman temporarily acted as a private citizen to help the President of the United States settle an important labor dispute.

READY TO SETTLE

Whitney and Johnston appeared to be ready to settle on Mr. Truman's terms, but to consummate the deal before the President appeared before the joint session of Congress would have taken much of the sting out of what he had to say to the legislators.

Steelman did not rush matters. Subsequently, it developed that Whitney and Johnston sent telegrams to their union headquarters about 3:30 p. m.—a half hour before President Truman was to begin his address—calling off the strike.

But Steelman made no public announcements, although he left the conference room for nearly 15 minutes. He returned and at 3:50 p. m. obtained the final verbal settlement agreement.

At 3:57—3 minutes before the President's back-to-work dead line, the principals finished putting their signatures to a written agreement.

Still no announcement from Steelman. Promptly at 4 p. m. the broadcast from the joint session of Congress started, and President Truman launched into his aggressive address.

At 4:05 Steelman led the negotiators into the temporary press room at the Statler Hotel and by 4:09 the settlement had been disclosed to the public through the throng of waiting reporters.

Steelman then telephoned the Capitol and relayed news of the settlement to Leslie Biffle, Secretary of the Senate, who passed on that historic note to President Truman.

The President then interrupted his own prepared speech long enough to tell the world that he had just received word that the railroad strike had been settled on terms proposed by the President.

ROLE REENACTED

Government official John R. Steelman's previous enactment of the role of private citizen to help settle a major labor dispute occurred late in 1941.

John L. Lewis, president of the United Mine Workers, had deadlocked with Benjamin Fairless, president of the United States Steel Corp., in a dispute over demands for a union shop in the captive mines operated by the big steel companies.

President Roosevelt proposed that Steelman, then head of the United States Conciliation Service in the Department of Labor, serve as third man in the Lewis-Fairless tangle and decide it one way or the other.

Mr. Roosevelt's suggestion was approved. Possibly to add to the illusion that the Government had stepped out of the picture, Steelman did his umpire job as a private citizen.

Incidentally, Steelman's decision was in favor of Lewis' position, and there has been a union shop in the coal mines ever since. But news of Steelman's decision sort of got buried in the papers, for it was announced on December 7, 1941.

BASCOM N. TIMMONS.

Mr. CAPEHART. Mr. President, I wish to offer an amendment to the amendment offered by the able Senator from Minnesota. I send it to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. OVERTON in the chair). The clerk will state the amendment to the amendment.

The CHIEF CLERK. At the end of the pending amendment it is proposed to insert the following:

Provided further, That the President may put into effect any changes in wages or working conditions which the employer had offered as a basis for settling the dispute.

Mr. CAPEHART. Mr. President, I believe the amendment I have just offered to the amendment of the Senator from Minnesota would be fair and equitable. I believe it would do more to settle a strike, possibly, than if we left the bill as it is now written.

I cannot agree with the able Senator from Oregon that the Ball amendment would accomplish the two results which he states. On the one hand, he says, it would work into the hands of the Communists, and on the other side would be an advantage to the employers. I do not agree with that at all.

I cannot see how we can give the President the right to make any sort of terms or pay any kind of wages he might wish to choose. Under the law as it is now written, what is to keep the President of the United States from offering the employees of any plant he might take over twice as much in wages as they are now receiving? What is to keep him from offering in the form of wages all the profits, or even more than all the profits? It may be said that he would not do it, and I am not saying he would, but there is nothing in the bill to keep him from doing it.

It might happen, Mr. President, that there would be a series of strikes, perhaps hundreds of them, the employees striking for higher wages and refusing to settle with their employers, and the Government would then step in and take over all the affected industries, possibly hundreds of them. After taking them over, what would there be to prevent the President of the United States, if he had a mind to, under the law, making any sort of a deal, regardless of whether it was good business or not, regardless of whether the business could afford to pay the kind of wages he fixed? There is not a Senator on the floor but will admit that when any private industry gets its business back it is going to take it back on the basis of the agreement the Government made with the employees. We might as well be realistic about this question. For example if the mine operators wish to get their mines back, they are going to have to pay the same wages the Government is now paying and they are going to have to pay the same royalty on each ton of coal the Government is paying.

We might have a President some day who would say, "All right, we will give to the employees in the struck plants which we have taken over tremendously high wages, such high wages that the management, we know, will never want their business back." If there is any danger from a communistic standpoint or leftist angle to the pending measure, it is from that standpoint.

Therefore, Mr. President, it seems to me as though it is fair to give the President the right—and I do not think he should have any further right—to pay the same wages and fix the same terms and conditions on which the employers offered to settle with the employees in attempting to adjust their difficulties.

Mr. President, I hope my amendment will prevail, because I think it is fair, I think it is right, and I think action on any other basis will be unfair to the employees.

Mr. BALL. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. BALL. I wonder if the Senator has considered two things which it seems to me would come about if his amendment should become the law. One would be the tendency of an employer to be extremely wary of making any kind of offer in collective bargaining, knowing that once his plant was seized such offer would immediately become effective, and then bargaining would begin from that point on. It seems to me it would place the employer at a considerable disadvantage in bargaining, once his plant is seized. Furthermore, as I understand the process of collective bargaining, when an employer makes a counter offer with respect to wages and working conditions that offer is conditioned on its acceptance resulting in settling the dispute, and under the amendment proposed by the Senator to my amendment that offer would become effective without in any way settling the dispute. The dispute would still be in effect, and I think it would be doing a serious injustice to the employer.

Mr. CAPEHART. I agree with the able Senator. However, without his amendment, or without my amendment to his amendment, the President is in the position to pay any wages he may care to pay. He could pay $5 an hour if he cared to do so. He could pay any rate of compensation he might care to. I recognize the point made by the Senator from Minnesota. But I believe it is only fair to the employees when the President takes over the plant that he should pay the same wages that the employer agreed to give them in negotiating with them.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. TUNNELL. What is the Senator's idea as to what the situation would be if no offer has been made by the employer?

Mr. CAPEHART. If no offer has ever been made it would be in the same status

as it would be under the amendment offered by the Senator from Minnesota.

Mr. TUNNELL. And if the men refused to go back to work, then what would be the situation?

Mr. CAPEHART. Under the law the men cannot be compelled to go back to work.

Mr. TUNNELL. The individual who refuses to go back to work cannot be compelled to go back, can he?

Mr. CAPEHART. That is what we have been talking about for several days; whether men have the right to strike against their Government. I have maintained continually that they could not be compelled to go back to work. Under this bill the man who refuses to go back to work loses his rights under the National Labor Relations Act.

Mr. TUNNELL. What is the idea of the Senator respecting how the Government could obtain production along any particular line?

Mr. CAPEHART. I do not know how I can answer that question. The big question in my mind arises from the fact that when the President takes over an industry, as the law now is, there is no longer any collective bargaining, and he may pay any wages he cares to pay.

Mr. TUNNELL. I will ask the Senator if he does not believe that the question of wages, in connection with getting the employees to go back to work, might not become of importance.

Mr. CAPEHART. I do not think so particularly.

Mr. TUNNELL. I thank the Senator. I thought it might become the big problem.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana [Mr. CAPEHART] to the amendment of the Senator from Minnesota [Mr. BALL]

Mr. WHEELER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murdock
Andrews	Hart	Murray
Austin	Hatch	Myers
Ball	Hawkes	O'Daniel
Barkley	Hayden	O'Mahoney
Brewster	Hickenlooper	Overton
Briggs	Hill	Pepper
Brooks	Hoey	Radcliffe
Buck	Huffman	Reed
Burch	Johnson, Colo.	Revercomb
Bushfield	Johnston, S. C.	Robertson
Butler	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capehart	La Follette	Shipstead
Capper	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Tunnell
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Mead	Wheeler
George	Millikin	Wherry
Gerry	Mitchell	White
Green	Moore	Wiley
Guffey	Morse	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Indiana [Mr. CAPEHART] to the amendment of the Senator from Minnesota [Mr. BALL].

Mr. CAPEHART. On this question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present, he would vote "nay."

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Oklahoma [Mr. THOMAS] is unavoidably detained.

I wish to announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that if present and voting, the Senator from Idaho [Mr. TAYLOR] and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 2, nays 77, as follows:

YEAS—2

Capehart	Robertson

NAYS—77

Aiken	Hart	Murdock
Andrews	Hatch	Murray
Austin	Hawkes	Myers
Ball	Hayden	O'Daniel
Barkley	Hickenlooper	O'Mahoney
Brewster	Hill	Overton
Briggs	Hoey	Pepper
Brooks	Huffman	Radcliffe
Buck	Johnson, Colo.	Reed
Burch	Johnston, S. C.	Revercomb
Bushfield	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capper	La Follette	Shipstead
Connally	Lucas	Smith
Cordon	McCarran	Stanfill
Donnell	McClellan	Stewart
Downey	McFarland	Taft
Eastland	McKellar	Tunnell
Ellender	McMahon	Vandenberg
Ferguson	Magnuson	Wagner
Fulbright	Maybank	Walsh
George	Mead	Wheeler
Gerry	Millikin	Wherry
Green	Mitchell	Wiley
Guffey	Moore	Wilson
Gurney	Morse	

NOT VOTING—17

Bailey	Chavez	Tobey
Bankhead	Gossett	Tydings
Bilbo	Langer	White
Bridges	Taylor	Willis
Butler	Thomas, Okla.	Young
Carville	Thomas, Utah	

So Mr. CAPEHART's amendment to the amendment of Mr. BALL was rejected.

Mr. BARKLEY. Mr. President, while we are on section 3, after consulting with the Senator from Michigan [Mr. FERGUSON] I have a suggestion to make with respect to an amendment in line 24 on page 2.

Mr. BALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BALL. Is the Senator's amendment in order?

The PRESIDING OFFICER. It is not in order to offer the amendment at this time. The Senator from Kentucky may make a statement of what he proposes to do.

Mr. BARKLEY. I had forgotten that we were voting on the amendment of the Senator from Indiana [Mr. CAPEHART], to the amendment of the Senator from Minnesota [Mr. BALL].

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I wish to announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I announce further that if present and voting, the Senator from Idaho [Mr. TAYLOR] and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 28, nays 54, as follows:

YEAS—28

Ball	Hart	Smith
Buck	Hatch	Taft
Burch	Hawkes	Vandenberg
Bushfield	Hickenlooper	Wherry
Byrd	Knowland	White
Capper	Moore	Wiley
Donnell	O'Daniel	Willis
Eastland	Overton	Wilson
Ferguson	Reed	
Gurney	Robertson	

NAYS—54

Aiken	Brewster	Connally
Andrews	Briggs	Cordon
Austin	Brooks	Downey
Barkley	Capehart	Ellender

Fulbright	McCarran	O'Mahoney
George	McClellan	Pepper
Gerry	McFarland	Radcliffe
Green	McKellar	Revercomb
Guffey	McMahon	Russell
Hayden	Magnuson	Saltonstall
Hill	Maybank	Shipstead
Hoey	Mead	Stanfill
Huffman	Millikin	Stewart
Johnson, Colo.	Mitchell	Thomas, Okla.
Johnston, S. C.	Morse	Tunnell
Kilgore	Murdock	Wagner
La Follette	Murray	Walsh
Lucas	Myers	Wheeler

NOT VOTING—14

Bailey	Carville	Thomas, Utah
Bankhead	Chavez	Tobey
Bilbo	Gossett	Tydings
Bridges	Langer	Young
Butler	Taylor	

So Mr. BALL'S amendment was rejected.

Mr. DOWNEY obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator permit me to offer a suggestion with reference to this section—one to which I think there will be no objection?

Mr. DOWNEY. If the majority leader thinks there is any suggestion which can be agreed to, I cheerfully yield.

Mr. BARKLEY. I thank the Senator.

Mr. President, while we were considering section 3, the Senator from Michigan and I discussed the provision in line 24 which involves the fourth subsection of section 3. Of course, section 3 provides that the President shall, in any such proclamation referred to, first, "state a time not less than 48 hours," and so forth, at which the proclamation shall take effect; second, "call upon all employees and all officers and executives of the employer to return to their posts," and so forth; third, "call upon all representatives of the employer and the employees to take affirmative action," and so forth; and, fourth, "establish fair and just wages and other terms and conditions," and so forth.

That seems to indicate that in the original proclamation the President must establish fair and just wages. It seems impossible that the President, in advance, in issuing the proclamation originally, could establish fair and just wages, and it seems to me that the language should be modified so as to provide as follows:

And (4) provide for the establishment from time to time of fair and just wages—

And so forth.

Mr. FERGUSON. I thank the Senator.

Mr. BARKLEY. I offer that amendment. I do not think there can be any objection to it, because it empowers him during Government operation from time to time to fix just and fair wages, instead of requiring him in advance to do it—which I think is an impossibility.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I think that will clear up the section and will be much better than it is at the present time, and also will permit it to be taken to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. DOWNEY. Mr. President, I have an amendment at the desk, and I now offer it and ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the proper place it is proposed to insert the following new section:

SEC. —. Whenever the President finds that any shut-downs or reduction in the rate of production in activities essential to the national economy has become so extensive as seriously to affect interstate and foreign commerce and impair the public interest, the President shall issue a proclamation calling upon the persons engaged in such activities to resume or increase their production of goods and services to the extent required in the national interest. Upon the failure to so resume or increase such production the President shall have power to take possession of and operate any plant, mine, or facility as to which he has made such finding, for the purpose of producing goods and services essential to the maintenance of the national economy. The owners of such plants, mines, and facilities shall be paid just compensation for the use thereof by the United States. All provisions of law applicable to plants, mines, and facilities in the possession of the United States under section 9 of the Selective Training and Service Act of 1940, to the extent not inconsistent with the provisions of this section, shall also apply in the case of plants, mines, and facilities in the possession of the United States under this section.

Mr. DOWNEY. Mr. President, I shall detain the Senate for only 5 or 10 minutes on this amendment.

So far, the attention of the Senate has been almost wholly directed to the proposition that the national interest may be demoralized by shutting down factories because men would not work in them. But let us recall, before we finally pass this bill, that great national demoralization may also be caused at the will and wish of the employer. It matters not whether the proprietor of the factory or the railroad does not wish to operate it or whether the workers do not wish to work; the effect upon the economy is exactly the same.

I believe that the distinguished Senator from New Jersey has said that we never could conceive of employers' shutting down factories, and that if they were so shut down, of course the Government would immediately take them over and operate them.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. HAWKES. Did I correctly understand the Senator to say that I said we never could conceive of an employer's shutting down a factory?

Mr. DOWNEY. I so understood the Senator.

Mr. HAWKES. I have never said such a thing in my life, and I wish the Senator to retract the statement he made.

Mr. DOWNEY. Whatever the RECORD is, I beg the Senator's pardon; I understood him to say that, and I think the RECORD will indicate it.

Mr. HAWKES. It would be very foolish for anyone to say that an employer would never shut down a factory. Employers have done so.

Mr. DOWNEY. Very well, Mr. President; what the Senator now says will corroborate what I am attempting to say; namely, that, of course, at many times in the past the entire national economy has almost been destroyed by having proprietors refuse to run their factories.

Mr. President, some persons may have forgotten the tragic and terrible lesson of 15 years ago, when this Nation approached the very precipice of complete collapse because the employers, forsooth, discharged their men and did not run the factories. I can remember that in 1931 or 1932, I was in one of the great hotels in Chicago. Having many worries on my mind, I got up about 5 o'clock in the morning and walked through that great hotel; but I saw not another guest around, and I saw what employees were there in the hotel totally disengaged. I was told by a clerk that less than 10 percent of the rooms of the hotel were occupied. That hotel soon passed into the hands of the bondholders.

I went out on the streets of Chicago, in that autumn morning, and I saw tens of thousands of desperate, unhappy men in the parks and on the streets. I was accosted, as were so many others in those days, when we walked out into a great city, by hundreds of beggars, men who had been industrious workingmen, but who were sacrificing their dignity to ask for 5 or 10 cents for a cup of coffee. I went around to the Salvation Army. There at 5 o'clock in the morning, were a queue of men, thousands in number, extending around many blocks, waiting for what? Mr. President, they were desperately waiting until 7 o'clock in the morning, when they might, if they were lucky, receive a crust of bread and a bowl of soup. Have we so soon forgotten that?

I can remember in California seeing the dispossessed of the earth by the hundreds of thousands sleeping out in the public parks and in the fields, in the dust of the earth, ravaged by rain, snow, and the winds, hungry, ill-clothed, vainly seeking jobs.

Mr. President, in those desperate years we saw the banks fail by the thousands, we saw depositors lose the savings of many decades of industry and thrift, we saw the stockholders of those banks in ruin and anguish. We saw millions of the Nation's merchants go into insolvency. We saw 15,000,000 or 17,000,000 unemployed, wanting nothing more than the simple right to work, which was denied them, although here we had the most miraculous of factories of all time. We saw millions of farmers foreclosed and ejected from their farms. We saw the entire Nation approaching insolvency and sometimes, I thought, revolution. We saw the national income drop from $92,000,000,000 in 1929 down to forty-three or forty-four billion dollars. Yes, Mr. President; great crises may come in the national economy, not only when the workers will not work but when the proprietors will not let them.

Mr. President, in order that I may be thoroughly understood, I wish to say that I am not suggesting hostile criticism of employers. I am not blaming them or arraigning them. You may say that they,

like everyone else during that sad and tragic depression of 1929, were victims of conditions. But did that make any difference? Did we need factories less or food less? Were men less cold or hungry because the fertile farms of America and its factories ceased to operate? Is it important how the devastation comes; will we not all suffer in any event? If devastation can come because labor unions can close factories and we wish to check such actions, should we not make equal provision for the Government to take over factories and railroads and operate them if they are closed by the will and wish of the employer?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. PEPPER. For example, when General Motors and some of the other large corporations declined to comply with the recommendations of the Presidential fact-finding board, or to adopt recommendations of the President himself, but preferred to allow the plants to remain idle, does the Senator not believe that that in substance, was a stoppage of production on the part of management?

Mr. DOWNEY. I do. Mr. President, I wish to make another statement. I may have to corroborate this by the able Senator from Ohio, one of the most brilliant Senators who ever graced this body. All of the students of political science now agree upon the cause of the depression of 1929. Under the capitalistic economy which had generated a national income and production of goods and services in great quantities, an insufficient income was paid to the workers to enable them to buy back the products which were produced in a given year. But, Mr. President, if proprietors receive disproportionately large incomes and they choose to save them, speculate them, or stagnate them, and do not spend them, the inventories accumulate in the factories, stores and workshops. Money which is not spent becomes stagnant, and goods which are vitally needed are not sold and the depression comes.

Mr. President, we happily go along on the assumption that if we can just curb the worker, everything will be all right.

Mr. President, it may be only a question of a few short years before the accumulating profits and reserves of corporations and savings of individuals will outrun the opportunity to invest them and restore them to the national income. Whenever those savings again begin to accumulate, as they did in 1928 and 1929, again inventories will accumulate in the hands of the retailer, the wholesaler, and the farmer. Again retailers will cease to order. Again factory proprietors will begin to discharge their employees, and another great depression will sweep the land.

When that time comes, Mr. President, national insolvency will be far greater and heavier than in 1929. So do not expect an army of unemployed to be only 15,000,000 or 16,000,000, as in 1929 and the years immediately following, but the idle will consists of perhaps 20,000,000 or 25,000,000.

Mr. President, allow me to say this, which is not said in any critical way: The last depression came under a Republican President. There was hardly any income tax at all. The public debt was low, and it was being reduced. There was complete business confidence. Almost everyone was working. Under those ideal conditions, because management took too great a share of national income and denied it to the workers of the Nation, those workers could not buy back the products of their own industry. Those products which were vitally wanted by the masses accumulated in inventories unsold, and the depression was upon us. Senators may be optimistic, blithe, and happy. They may say, if they wish to, "Oh, we will be all right if we can only curb unions; another depression will not take place, and proprietors will not stop running their factories." Senators may confidently believe that, but even so why not make this a fair and equitable bill for labor, even though the power may not be needed, even if we should not go into another depression, and even if the automobile and steel plants and other factories, as well as the railroads, continue to run at full capacity. In that event no harm will have been done.

Mr. President, I say to you that if you want labor to take kindly and charitably this kind of a measure, extreme as it is in opposition to them, at least make it a mutual measure.

Mr. President, I think that the Senate of the United States should have given a fair opportunity for a committee to hold hearings on a bill so important as is the one which is now before us. That has not been done. I realize that the amendment which I have offered has not received the consideration which it should receive. I realize it is defective. But who is to blame for that? Is it the Senator who offered the amendment, or is it the leadership which denied a reasonable committee hearing?

I hope that Senators will feel that the gesture which I recommend should be made to labor, and that the bill should be made mutual and impartial. Just as we guard against unemployment and depression caused by the will and the wish of the labor leaders, so we should guard against that dread calamity by giving the Government power so that when the national interests require the Government to do so, it may step into a factory which the proprietor cannot or does not wish to operate, and produce goods. That should be done lest our people starve and go unclothed and lest we may become involved in ever-increasing crises.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY].

Mr. BARKLEY. Mr. President, I wish to say a word with reference to the amendment.

I always regret disagreeing with my lovable friend from California. I always appreciate his seriousness and earnestness in connection with anything which he advocates or proposes. But this amendment injects a new and vague element into the equation which is not included in the present law nor in the pending bill.

The bill now before the Senate assumes that under certain conditions the President will have authority to take over plants, mines, and facilities, and it provides a certain guide or standard for their operation while under Government control.

The amendment offered by the Senator from California provides:

> Whenever the President finds that in any shut-down or reduction in the rate of production in activities essential to the national economy has become so extensive as seriously to affect interstate and foreign commerce and impair the public interest, the President shall issue a proclamation calling upon the persons engaged in such activities to resume or increase their production—

And so forth. I maintain that it would be utterly impossible for the President to issue wisely a proclamation calling upon all persons interested to resume or increase production. No standard or guide is set for it. If the President merely concludes that somebody is not producing as much as he should produce, and that he should issue a proclamation calling upon that person to produce more, and he refused to produce more, the President should then be authorized to take over the plant and operate it.

Mr. DOWNEY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Of course, the Senator will note that in the amendment I have said that if the reduction or stoppage of work is such as in the opinion of the President will impair the national interest. Perhaps there should be included the words "or seriously to affect the public safety and welfare," which, of course, I would accept.

Mr. BARKLEY. Such provision is already in the law, or in the provisions of the bill—the national health, the public welfare, or the national economy. That is as far as we can go. But when we authorize the President to issue a proclamation directing or calling upon all those interested in any activity, whether employer or employee, to increase their production, we have entered a field which seems to me to be unworkable, and if they do not increase according to his proclamation, the plant would thereafter have to be taken over.

Mr. DOWNEY. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Let us assume a condition which might very well come into existence, which almost came into existence in 1930 or 1931. Suppose the railroads find themselves unable to operate because of losses, and stop running their trains. Does not the distinguished Senator think the Government should then step in?

Mr. BARKLEY. We have set out in the Railway Labor Act, in the Transportation Act, and in the pending bill, the conditions under which transportation facilities shall be taken over. I am not certain that the Senator's amendment even covers transportation, because the Senator's amendment seems to imply that the President shall call upon everybody to produce more, to increase production.

Mr. DOWNEY. I do not know whether the Senator has answered me or evaded me about the railroads.

Mr. BARKLEY. I have not intentionally evaded the Senator.

Mr. DOWNEY. Then let me shift my question. Suppose the coal companies 2 or 3 years from now should say, "We cannot operate our coal mines at a profit, therefore we are going to close them down, or produce at 25 or 50 percent capacity." Does not the distinguished Senator believe that then the President should issue a proclamation and take over the coal mines?

Mr. BARKLEY. No. We are proceeding on the theory that we are trying to create such a situation that it will be possible to resolve disputes between employer and employee which result in shut-downs. We have at no time undertaken to deal with the problem involving the question whether the producer of any character of goods in making a profit, and therefore is not interested in production. When we have reached that point we will have to deal with it on a different basis. But that has no relationship to the shut-downs due to strikes or boycotts, or any of the things which result from disagreements over wages and conditions of labor.

Mr. DOWNEY. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. DOWNEY. If I understood the Senator, in the first part of the last remark he made he said, in effect, that this measure was not intended to force collective bargaining or to settle wages. I have heard the Senator say many times during the course of the argument that the bill is merely, in its ultimate essence, to assure production, and keep the national economy running. That is the purpose of the bill, I am sure. Otherwise we would not be interfering with collective bargaining.

Mr. BARKLEY. That is true, but that cessation of production is brought about by a disagreement between the employer and employee which cannot otherwise be resolved, and I would not at this juncture be willing to support an amendment which would say to any President, "If you conclude that somebody is not producing as much in the way of goods as he should produce, you shall issue a proclamation ordering him to increase his production, and if he does not increase it, you shall take over the plant and operate it on behalf of the Government.

Mr. FULBRIGHT. Mr. President, is there provision as to what is to be done with the production? Are those producing just to pile up the goods in warehouses?

Mr. BARKLEY. The amendment does not go into that, and I dare say its authors could not spell out what was to be done with production. Frequently producers shut down or reduce production because there is no market.

Mr. FULBRIGHT. That was the reason in 1931, was it not?

Mr. BARKLEY. If the President decided, under this amendment, that persons were not producing as much as they should, he could take over the plant.

Mr. CORDON. Mr. President, if the Senator will yield, I call attention to the fact that section 9 of the Selective Service Act carries in itself authorization to the President of the United States to seize any plant of an operator or a manufacturer who refuses to produce. That is in the law at the present time as a war emergency act, and the provision with reference to wage disputes was added thereto as an amendment.

Mr. BARKLEY. Undoubtedly. I therefore do not think we should put into this bill a provision authorizing the President to take over all the plants or any plant, if they are not producing as much goods as we think they should produce. That is what this amendment does.

Mr. DOWNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California has spoken one time on the amendment.

Mr. DOWNEY. I shall speak on the bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. DOWNEY. It is true that the Selective Service Act gave the President the right to take over factories in the interest of the war effort if they were not producing the amount of war goods thought advisable or necessary by the Government. Fortunately, he did not have to do that, because we gave factory proprietors such huge profits that they continued to run their factories without any further encouragement by the Government.

The Selective Service Act has already directed the Government to do in the interest of the war exactly what the pending amendment would authorize the Government to do in times of peace. Apparently we are willing to give power to the Government to produce the destructive instruments of war with which to kill our enemies, when we are not willing to give identically the same kind of power to the Government to feed and clothe our own people if it becomes necessary.

Let me say to the distinguished Senator from Kentucky that he may argue as long as he cares that the Government can take over the coal mines if production is entirely stopped, or reduced 25 or 50 or 75 percent, by reason of strikes, but he cannot convince me that the amendment I have offered does not present a parallel power, and that the President, when the public interest is imperiled and impaired by action of the employers should have the right to accomplish the same result in the coal mines.

Mr. President, in conclusion, the measure that is being passed will not be very sympathetically received by the men who have to do the hard toil of this Nation. If they believed it was a mutual bill, imposing the same kind of duties and burdens upon the employer as upon the employees, it would be much more sympathetically received, in my opinion.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. KILGORE. I wish to have straightened out a question about the amendment which is not clear in my mind. Does the Senator's amendment apply to a shut-down, or merely to what we call a slow-down? In other words, does it apply to a case where an employer shuts a plant down completely, or merely where the production of the plant is not what is considered sufficient as it affects home needs?

Mr. DOWNEY. Under the amendment, the power would be brought into being whenever the President believed that the reduction or shut-down in industry was of sufficient magnitude to imperil the public interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY].

The amendment was rejected.

Mr. MEAD. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, beginning in line 1, it is proposed to strike out section 5, line 1 to 23, inclusive, as follows:

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

Mr. MEAD. Mr. President, the provision of the bill I propose to strike out would authorize the Attorney General to seek injunctions in United States district courts throughout the country against any unlawful act under section 4 (b), as well as section 4 (a) of the bill.

Section 4 (b) provides:

On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

It follows that the injunctions provided for in section 5 could run only against labor leaders, the elected representatives of the workers, or their agents, that as the result of an amendment which I understand has been written into the bill, approved by the Senate, and offered by the distinguished majority leader, the authority vested in the Attorney General and the Congress under this section is not to be limited by the Norris-LaGuardia Act. I want to make that plain. That act was adopted in 1932, after years of intensive study and consideration by the Congress into the

abuses of Government by injunction. I should be a little bit fearful lest we do great injury to the legislation we have already enacted on this score and therefore I hope the Senate will not adopt this section of the bill.

We have, as everyone knows, removed some of the punitive sections of the bill as they apply to management and to ownership. We have eliminated the section which would confiscate property and profits, and it occurs to me that to be consistent we should eliminate the provision for government by injunction.

The Norris-La Guardia Act was carefully framed to eliminate the abuses which had been shown to exist: injunctions without hearing on the merits; punishment for contempt without trial by jury; injunctions general and sweeping in terms without enumeration of specific acts complained of in the bill of complaint or found by the court in the findings in fact. These and other abuses are specifically outlawed by the Norris-LaGuardia Act. Section 5 of the pending bill would reinstate them all. Thus the bill would place again in the exclusive authority of Federal judges the power to issue injunctions against agents of workers, without definition by statute of their terms or scope, and without hearing both sides; to keep such restraining orders in force indefinitely without a return day; without a hearing on the merits, and to punish for contempt without a trial by jury. These are possibilities, Mr. President, and I point them out lest we act hastily.

Another provision of this section, generally overlooked in the debate so far, is the extension of the same injunction authority for the enforcement of Section 6 of the Smith-Connally Act. This injunction provision was specifically rejected by the Senate when the Smith-Connally Act was before us in 1943, in time of war.

On calm consideration, I cannot believe that the Senate will maintain Section 5 in the bill. It would bring back all the abuse of judicial legislation and government by injunction. It is not the way to industrial peace.

Mr. President, I have received many thousand telegrams and letters dealing with the bill. I want to read one which came from a man who is not a worker and who is associated neither with labor nor management. The letter comes from an attorney who, in my judgment, represents the thought of the American people on the question of our democratic traditions. I think a great majority of our people will, when they think this through, have the same thoughts respecting the matter as those contained in this letter. I wish to read the letter to my colleagues. I received it on May 28. Among other things contained in the letter, I read as follows:

> We are at a point in the road where we can either turn away from democracy and democratic principles or, with a little patience, adhere to some good old American ideas.
>
> We have, during the war, undergone some great evolutions, evolutions of industry, education, and life itself so that it is not surprising that there is now some evolution in labor.
>
> The Attorney General, Tom Clark, has said, "The civil rights of minorities in this country were never in greater danger than at this time." Nothing could be truer than the plight the railroad unions now find themselves in. There has never been a more loyal group as a whole. During two major struggles they worked unceasingly and without complaint, while some groups demanded concessions during the war years.
>
> There is amongst the nations of the world today a misunderstanding that may lead to a division among the free nations, but there is a greater danger of a division among Americans. America is made up of minority groups, and the persecution of any minority group does danger to our democratic structure. If we are worthy Americans and true to our returning veterans and the life they expect to lead, we will endeavor to control our mental and emotional habits which make for prejudice and think in terms of fellow Americans.
>
> Elihu Root wrote a great many years ago: "We have come to take this Government as we take the air and sunshine—as a matter of course, as a mere gift that costs us nothing."
>
> We have with us today the only natural result of a great struggle, but as we united in war, so can we unite in peace, but the way of uniting is not to have our entire democratic structure put in reverse. The Congress has, during the past years, indicated by their actions their desire to protect and nourish labor through the enactment of laws just to both labor and management. Management has demonstrated time and again its ability to take care of itself. The Government during the war found it necessary on many occasions to take over management due to lack of cooperation, but never found it necessary to supplant labor. Labor as a whole was most loyal.
>
> Administrative action during wartime was a necessity and the granting of extensive powers to the administrative branch of our Government was deemed essential, but it seems that now is not the time for the granting of new and additional powers to our executive branch of Government. We have always functioned most successfully by the proper administration of our three-power system. The Congress should set up the machinery and leave it to the judicial branch to arbitrate and settle disputes that might arise thereunder, and when, if ever, our judicial structure fails to function our democratic government itself will be terminated.
>
> We have fully recognized that the Army is not an Army for the punishment of offenders, but an arm of our Government to which everyone should feel it an honor and a duty and a privilege to belong. All during our war years we were told not to send criminals into the Army, that the Army was not a correctional institution. Evidently the proposed legislation has reversed that view and now the Army is considered a place of punishment or banishment as the case might be.
>
> Unquestionably the public has reached a saturation point on strikes, but should labor take all the blame or be punished for exercising a right long known and recognized in our system of government?
>
> Revolutions are never nice and have always been bloody. Our own in this country was no exception, and today we are going through a revolution of industry and labor and must expect to undergo inconveniences in order to bring about a social organization in which there will be no exploitation of labor, no unemployment, and no further cause for war.
>
> As statesmen you have the ability to evolve a formula and a common policy that will compose the differences between labor and industry and lead to the enactment of laws that will be just to both.

Mr. President, that can only be attained by careful and meticulous consideration of the problems affecting labor and management.

I read further from the letter:

> It might be well to remind some of your fellow colleagues of the words of our late Commander in Chief, "The true goal we seek is far beyond the ugly field of battle. When we resort to force as now we must, we are determined that this force shall be directed toward ultimate good, as well as against immediate evil. We Americans are not destroyers, we are builders. The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong active faith."

That is the end of the writer's quotation from the late Commander in Chief. The letter continues:

> To use force now would not result in ultimate good but in evil, what Roosevelt always tried to avoid. It would not lead to building our Nation but to its destruction. We will not be moving forward but will be taking a step back. Remember the difference in treatment accorded labor and veterans by two of our former Commanders in Chief. The one met them with bayonets and the other nourished them. Are we now going to meet labor with bayonets?
>
> Labor may have been led up a blind alley at times by some of its leaders but on the whole its cause has been a just one. We all appreciate today that industries which affect our health, our safety, and public economy are in the nature of public trusts and as such perhaps serious consideration should be given as to whether these industries should not be the responsibilities of the public. We all recognize that the inapt handling of these industries by either management or labor might well lead to chaos; and the necessity for some type of remedial legislation affecting these particular types of industries might well be considered, but to single out labor for punishment in this type of industry where disputes arise is not the answer.

Mr. President, I ask the elimination of this section, because we have striken out the section which penalizes management. I say, therefore, let us remove the section which is punitive of labor. While I recognize the fact that a good argument can be made for the adoption of procedures affecting the management of industry under Government control as distinct from the procedures which affect labor and management when management is in control, nevertheless I hesitate to lend my support to hasty legislation which is unjust to a great segment of our population who during the war were loyal to their nonstrike pledge.

So, Mr. President, I ask fervently that this section be eliminated from the bill. If I had my way, as I said a moment ago, the bill, along with the long-range program of the President, would be referred to the joint committee, with the request that the committee, now that the crisis is over, study both proposals and bring in legislation which would make America at once the example and the envy of all nations as the great united democratic force for good and the moral leader of the world, as we should become and will become if we keep our heads.

Mr. President, I ask in all earnestness that the section be removed from the bill by the adoption of my amendment.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on the amendment of the Senator from New York [Mr. MEAD]. [Putting the question.]

Mr. PEPPER. Mr. President, I thought other Senators were seeking recognition who were perhaps my seniors. I do not want the question put without addressing myself to the amendment.

Mr. BARKLEY. There is no Senator here who is willing to admit that he is senior to the Senator from Florida.

Mr. PEPPER. I wish that were quite true, and I am sure some Senators do also.

Mr. President, the Senator from New York has presented very squarely the question of how far back we are willing to turn the clock of economic progress in the United States of America.

Mr. WHEELER. Mr. President, I give notice that when the Senator from Florida concludes I want to address myself to this subject. I make that announcement so I will not be cut off.

Mr. PEPPER. I thank the Senator. I thought the Senator from Montana wanted recognition a moment ago. That is the reason I deferred.

Mr. President, let us first understand what the acts are which would subject one to the injunctive relief which is provided for in section 5. The acts which may be the subject of injunctive relief under section 5 are found in section 4 of the pending bill and in section 6 of the Smith-Connally Act. Section 4 (a) reads as follows:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer conducting or permitting such lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Anyone who commits either one of those acts or is guilty of either one of those enumerated omissions becomes subject to the injunctive relief provided in section 5.

In addition, in section 6 (a) of the Smith-Connally Act it is provided:

(a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Mr. President, I wish to address myself first to the generality of the language which would subject officers or agents of employers or officers or agents of employees to the injunctive remedy provided in section 4 of the bill. What is the act which these officers or agents would have to commit to subject them to this injunctive relief? The language of the bill says, in respect to agents or officers of the employers—

conducting or permitting such lock-out or interruption—

What is the permitting of interruption of work on the part of an officer or agent of the employer? What is the standard of "permitting" laid down in the bill which would authorize the court to find the defendant guilty of violating the statute, and therefore subject to punishment for contempt of court, and therefore to imprisonment? It seems to me that that language is so general and so ambiguous that it would give the court the authority to find a man guilty of anything he wanted to find him guilty of, without the language of the statute being certain enough that the right of review which is accorded in section 5 means actually anything at all.

What are the acts forbidden to officers or agents of the labor organization conducting or permitting such a strike? In the first place, the language of the bill calls upon them—

to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Mr. President, what is "appropriate action"? We leave it to the judge to define "appropriate action," without a suggestion of a definition in the language of the bill. We say that the judge shall have carte blanche authority to decide whether what the union leader or the union agent has done constitutes appropriate action or not; and if the judge wishes to send him to jail, all he has to do is to say, "I do not think that what you did was appropriate action. You go to jail." The right of review means nothing. No standard is laid down to define the offense which subjects a man to the contempt proceeding and to indefinite imprisonment by a Federal judge with a lifetime appointment, without a jury.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. In the first place, affirmative action cannot be enjoined. A court cannot by injunction say to a man, "You must issue a statement saying that you want to call off the strike." No court would enjoin a man to take some affirmative action. An injunction is to prevent something from being done.

Mr. PEPPER. Unless this language is broad enough to authorize something that we have almost universally condemned, namely, the mandatory injunction.

Mr. WHEELER. Yes. A mandatory injunction can be obtained; but a mandatory injunction cannot be obtained to make a man do something affirmative, in the sense of issuing a statement if he does not want to issue a statement. No court will issue a mandatory injunction to do a certain thing. One cannot obtain a mandatory injunction to make a man issue a statement if he does not wish to issue a statement.

Mr. PEPPER. No court should have that authority.

Mr. WHEELER. It never has been done in the history of the jurisprudence of the Nation.

Mr. PEPPER. The Senator is absolutely correct. That kind of authority is universally condemned. A baseball player may have a contract to play baseball for a certain club, as some of the cases disclose; yet the courts do not issue mandatory injunctions to baseball players to play baseball for the clubs with which they have contracts, because they know that that sort of affirmative relief cannot be obtained by that kind of mandatory injunction.

Yet, what the Senator from Montana has condemned, and what the courts generally condemn, this bill would permit, because it provides that if the officer or agent of the labor organization has not taken what the court construes to be "appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption," then he is liable to punishment for contempt of court, and to confinement in prison, at the pleasure of the judge. I wish to emphasize that there is no limitation on the term for which a judge could put a man in jail who violated this statute and was found guilty by the judge of violating it. The judge would have authority to impose an unlimited jail sentence for contempt of court upon a man who did not take what the judge thought was "appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption."

I wonder if the Senate of the United States wishes to give to a Federal judge, who occupies a life-time judicial appointment, jurisdiction to deal in that manner with American citizens, without any definition of his authority, and without any limitation of his power.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LA FOLLETTE. I invite the Senator's attention to the further fact that so far as subsection (a) of section 4 is concerned, the penalty is provided in subsection (c), of a fine of not more than $5,000 or imprisonment for not more than 1 year, or both. A similar penalty is provided by section 6 of the War Labor Disputes Act.

Mr. PEPPER. The Senator is absolutely correct.

Mr. LA FOLLETTE. So this is over and beyond the specific penalties provided in both sections.

Mr. PEPPER. The Senator is exactly correct. Besides, Mr. President, the penalties are not mutually exclusive. It is possible that the same man could be subjected to both penalties, either after conviction on the criminal side under section 6 of the Smith-Connally Act, or under subparagraph (c) of section 4 of the pending bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MORSE. Does the Senator from Florida agree with the Senator from Oregon that the adoption by the Senate of section 5 of the bill would come to be looked upon as a legislative precedent for the basis of argument, in connection with future legislation before the Senate, for going back to the injunctive process as it existed in this country prior to the Norris-LaGuardia Act?

Mr. PEPPER. The Senator is entirely correct. In a moment I shall read some provisions of the Norris-LaGuardia Act which are avoided by the express language of section 5 of the bill which we are now considering.

Mr. MORSE. Does the Senator agree with me that if section 5 is enacted, in one of the emergency cases in which the injunction is used and the injunction is considered to be unfair to the employees involved, the tendency will thereby be to inflame other large groups of workers in this country against the exercise of the injunction?

Mr. PEPPER. The Senator is absolutely correct.

Mr. MORSE. Therefore does the Senator agree that instead of producing industrial harmony it would be conducive to great disharmony?

Mr. PEPPER. I thoroughly agree.

Mr. MORSE. One further question: Does the Senator from Florida agree with the junior Senator from Oregon that the exercise of the injunction prior to the Norris-LaGuardia Act—Government by injunction, so to speak—was one of the greatest causes of labor strife in the whole history of the labor movement?

Mr. PEPPER. There is no doubt whatever about it. The record of Congress and of the courts of the land proves it beyond any question.

Mr. President, what is the essential vice of this injunctive method? Let us read what the authority conferred upon the court in section 5 is.

In the first place, the Attorney General may petition any district court. It is not like the ordinary case, in which a complaint must be filed and evidence must be presented. All that is necessary to initiate the injunctive process provided in section 5 is for the Attorney General to petition any district court of the United States; and we all know that the Attorney General would act upon the directive of the President. So the suit is begun by the Attorney General of the United States or one of his deputies

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator from Montana that in the coal strike of 1928 one of the things with which we were confronted was the issuance of an injunction which prevented the strikers even from meeting, threw them out of company houses, and did not even permit them to sing in a church because it would interfere with the strike-breakers.

A judge came before our subcommittee and testified. All the hearings were printed. Of course, the organization was charged with causing an interruption. A temporary injunction had been issued. The lawyers for the union asked for a period of 6 months within which to obtain a hearing. The judge kept postponing it from month to month, and he kept enforcing the provisions of the injunction. That was a very clear indication of government by injunction.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. Not only did the injunction prohibit them from meeting, but even prohibited them from meeting in a church.

Mr. WAGNER. That is what I said.

Mr. WHEELER. They could not even hold church services. When the subcommittee went there, we held hearings in the church. There was a question as to whether we were violating the terms of the injunction because we were holding hearings in the church. Senator Gooding, who was the chairman of the subcommittee, and who certainly was no particular friend of labor, denounced that in the most unmeasured terms.

Mr. WAGNER. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator from Montana, who a moment ago said, as I understood him, that there is no such thing as a case in which an injunction, under the circumstances referred to in section 5, has prevented a strike, that in that case the judge, who appeared before us, could not explain clearly just what the provisions of the injunction were or whether they were lawful.

Mr. PEPPER. Probably they were written by the company lawyers.

Mr. WAGNER. That is exactly what the case was.

Mr. PEPPER. Yes; that is usually the situation.

Mr. WAGNER. That is why there is danger of violation of the Norris-LaGuardia Act.

Mr. PEPPER. That is correct.

Mr. WAGNER. We have prevented all that. But now there seems to be a desire to go back to it. That would be an infamous thing to do.

Mr. PEPPER. That is why I say that the question is how far back we are to turn the clock, insofar as the economic life of the United States is concerned.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TUNNELL. I say to the Senator that I am greatly interested in section 4, on page 3. I should like to have him state what is his idea as to what is meant by an "employer permitting such lock-out."

I have heard of employers ordering a lock-out. But how would an employer permit a lock-out? Either the employer orders it or does not order it; that is my understanding. Is not that correct?

Mr. PEPPER. It would seem so to me, and that is just another of the ambiguities which show a lack of wisdom and demonstrate the folly of enacting the bill.

Mr. TUNNELL. I should like to follow that up by referring to the situation with reference to the labor organizations. The language of section 4 is, in part,

> The officers of the labor organization conducting or permitting such strike—

As I understand the matter, the labor organization either orders the strike or does not order it. What is meant by "permitting such strike"? Is not everyone in the same neighborhood in the same position that the labor organization is in, if the strike is not ordered? Perhaps a business organization or perhaps the Chamber of Commerce does not order the strike; but it is not in the same position that the labor organization is in if it does not order a strike? In other words, there certainly is a difference between ordering and permitting. I should like to know what that difference is.

Mr. PEPPER. Mr. President, it practically gives to the judge the power to put in jail anyone he wishes to put in jail.

Mr. TUNNELL. Yes.

Mr. PEPPER. The judge practically has the power to find anyone guilty of permitting a strike that he wishes to find guilty of permitting it, whether it be the employer or the employee or someone else. If a Kiwanis Club by resolution were to say, "We think these strikers who are seeking a health fund are right" or "We think these men who have gone out on strike and have not gone back to work until they get a decent wage are right," it would be encouraging the strike, and by a proclamation a Federal judge, appointed for life, could, without a jury, put them in jail for as long a time as he wished them to stay there.

Mr. TUNNELL. Is there any defense to such action? If there is a strike or a lock-out, everyone has permitted it, I judge. Is not that so?

Mr. PEPPER. Yes. If they have not stopped it, they have permitted it.

Mr. TUNNELL. Then everyone is guilty.

Mr. PEPPER. Yes, if the judge wants to put them in jail.

Mr. TUNNELL. Yes.

Mr. PEPPER. That is just another instance of the arbitrary power which Senators are actually considering conferring upon a Federal judge who is appointed for life.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator of the following situation: A judge issues an injunction without a hearing on behalf of the defendant. He may continue the injunction, without any hearing, for several months, as was done in the case in Pittsburgh which we went to investigate. That could happen under the circumstances mentioned in the bill. It would be a great injustice, but it could be done.

Mr. PEPPER. And it has happened, as the able Senator from New York and the able Senator from Montana know. It happened thousands of times, right here in the United States, until it was stopped by the Norris-LaGuardia Act of 1932.

Mr. WAGNER. Yes; it happened until it was stopped by that act, because of the general indignation.

Mr. PEPPER. That is correct. It was stopped because of the abuse of that power by Federal judges; it was because of that abuse of power by Federal judges that the Norris-LaGuardia Act was passed.

Section 5 by its own language says that the power the judge shall have "shall not be limited by the act entitled 'An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932"—which is the Norris-LaGuardia Act. In other words, the Norris-LaGuardia Act is expressly made inapplicable to injunctions issued by judges under section 5 of this measure.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MEAD. Does the Senator recall that during the past few days it was reported in the press that a number of the international officers of the railroad organizations did not approve of the strike; they were satisfied with the terms which had been awarded. Yet the members of their unions were not working. Under the provisions of this bill, they were permitting a strike, even though they were attempting to terminate it.

The Senator will also recall that during the war, when there were a number of wildcat strikes, contrary to the no-strike pledge, the international unions were exerting every effort to get those men back to work and to break up those strikes. Yet under this provision of the bill they were permitting those strikes, and thus their officers could be put in jail, even though their intentions were absolutely proper.

Mr. PEPPER. Yes; and, Mr. President, I will buttress what the Senator has said by citing an experience I had during the coal strike. The senior Senator from Pennsylvania [Mr. GUFFEY] is now on the floor. After Mr. John L. Lewis agreed to an end of the coal strike 90,000 miners in western Pennsylvania did not go back to work, although I believe that was without his acquiesence or direction in any way. I shall ask the Senator from Pennsylvania if I am not correct in saying that the reason why they did not go back to work was that if they had done so they would have lost their right to unemployment compensation benefits, and they did not want to lose those benefits until the strike was settled.

Mr. GUFFEY. That is correct.

Mr. PEPPER. So there were 90,000 miners in western Pennsylvania who, on their own initiative as American citizens, did not go back to work. I should like to remind everyone who is interested in the subject that working men and women are still American citizens. I say that those miners in western Pennsylvania availed themselves of their own right to make up their own minds as American citizens, and they declined to go back to work. Yet if a judge had not liked John L. Lewis or one of his associates, all that it would have been necessary to do would have been to catch him—let us see where one of these suits could be brought, by reading section 5 we find that a suit might be brought—

> In any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found—

Whether he is at home or whether he is away from home, for injunctive relief.

Mr. President, that judge would have absolutely unlimited power over the people who were brought before him by the petition of the Attorney General of the United States, according to the bill. By the express language of section 5, the Norris-LaGuardia Act is made inapplicable. So no protection of law is thrown around any man against whom the Attorney General may file a petition in a Federal court.

Section 5 also provides:

> Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition.

Mr. President, allow me to call attention to the fact that under the Norris-LaGuardia Act, before such an injunction can be issued a hearing in open court must be afforded to the defendant with the right of cross-examination, the right of being confronted by witnesses, and other rights which are enumerated in the Norris-LaGuardia Act. Under the provision about which we are now talking, the defendant is not given any right of cross-examination, or allowed any time in which he may prepare and present his defense. There is no limitation placed on what kind of a judgment the court may impose upon him. Of course, it is subject to review by an appropriate court of appeals, including the Court of Appeals of the District of Columbia, and the United States Supreme Court on a writ of certiorari.

But what is there to review, Mr. President? Suppose the judge imposes a fine of a year in jail. Suppose the judge says, "I find that the defendant did not use appropriate action to stop the strike"? What is the standard of law to be used in governing a review of the case by the circuit court of appeals, or by the Supreme Court of the United States? We all know that on findings of fact circuit judges are ordinarily held by the findings of the courts below. Suppose the judge below has said, "The defendant did not take appropriate action to stop the strike or prevent a slow-down, and I found him guilty. I know that the railroadmen would have obeyed him, or his union employees would have obeyed him, if he had tried hard to get them to do so. He did not try hard enough, and, therefore, I put him in jail."

Mr. President, if we ever enact into law that kind of a provision, it will be a deprivation of the rights of citizens, and a more serious one than any of which I can conceive.

A violation of section 6 of the Smith-Connally Act, or of section 4 of the pending bill, would be punishable by a fine of, in case of a violation of the Smith-Connally Act, $5,000 or imprisonment of not more than 1 year; or, in case of a violation of section 4 of the pending bill, a fine of $5,000 or imprisonment for 1 year, or both.

But what would be the difference? In either one of those cases the defendant would have a trial by jury unless he waived it. His own peers would sit upon his alleged offense. That would be Americanism, Mr. President. Every American is entitled to a trial by a jury of his peers whenever he is charged with the violation of a law. Who would want to commit the liberty of the people of this country to be determined by Federal judges without affording to the defendant the right of a trial by jury? The Magna Carta contained as one of its principal features the right of a trial of a British subject by a jury of his peers. It has been incorporated in our Constitution and in the constitution of every State of the Union. Yet, because the dispute happens to be a labor dispute we would strike those constitutional safeguards away from the citizens of this country and say to any judge who could get his hands on the situation, "Go ahead and try this man," and we would give him power to put persons in jail without any limitation being placed upon his authority.

We all know about abuses of injunctions in connection with labor disputes. It was those abuses which led the Congress of the United States—and I may respectfully submit that it was done with greater deliberation than is being given to the legislation which is now before us—to enact a law the first section of which reads as follows:

> That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of this act, nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act.

Mr. President, I hope that the motion of the Senator from New York will prevail, and that the section will be stricken from the bill.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. WAGNER. Mr. President, I am willing that the Senator have several minutes of my time.

The PRESIDING OFFICER. The Senator from New York may not share his time in that way.

Mr. WHEELER. Mr. President, I challenge any lawyer in this body to say that he has ever seen so poor a piece of legislation and one so awkwardly drafted as is this provision with reference to the injunction. There is not a court of any intelligence in the United States, and I believe there is no lawyer of intelligence in the United States who would not say that, in the first place, this injunction provision is so completely out of line with the decisions which have been written on the subject of injunctions that it should not be approved.

I read from section 5 on page 4 of the bill:

> The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act.

Mr. President, let us turn to section 4 of the bill. What does section 4 seek to do? It provides for injunctions not to restrain a picket line, not to restrain a force, and not to prevent a strike from taking place; but first:

> On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer conducting or permitting such lock-out or interruption, * * * to take appropriate

affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Secondly:

The officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, * * * to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

In the first place, it is said that the man is permitting the strike. Who is to judge that? Did any Senator ever hear of any court in the United States of America issuing a mandatory injunction to compel someone to make a statement to his men telling them to call off a strike? Suppose that a court were actually to issue that kind of an order, and suppose further that the men did not return to work; the court could then say, "Well, you did not take appropriate affirmative action." Mr. President, what is meant by "appropriate affirmative action"?

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WAGNER. I wish to ask a question merely to emphasize the abuse of the injunctive process. The Senator will remember the injunction which was issued in connection with the strike in the coal fields. It was a mandatory injunction. One of its provisions was drawn to prevent the miners' union from giving any food to the strikers.

Mr. WHEELER. Yes; the Senator is correct.

Mr. WAGNER. It sounds incredible, but that provision was actually in the injunction.

Mr. WHEELER. Yes; it was an injunction preventing the union from giving any assistance or food to the wives and children of the men who were on strike.

Mr. FULBRIGHT. When was that?

Mr. WHEELER. That was in 1928 in Pennsylvania.

Mr. BARKLEY. Of course, that was a controversy between a private corporation and its employees. It was not a controversy between the Government of the United States and anyone else, either employer or employee, and to that extent the situation was quite different from the one which we are now discussing. The Norris-LaGuardia Act grew out of abuses. I voted for it.

Mr. WAGNER. So did I.

Mr. BARKLEY. It grew out of abuses on the part of the Federal courts in dealing with controversies between private corporations and their employees. However, we are not dealing with anything like that here. We are dealing with controversies between the Government of the United States and employers or employees, which is quite a different proposition.

Mr. WHEELER. I agree with the Senator from Kentucky; but I wish to invite attention to the futility of the proposal which is now pending. It has been so worded that it could not be made effective.

Mr. BARKLEY. Of course, if it is innocent, innocuous, and inoperative, it seems to me that the Senator is making a lot of unnecessary fuss about it.

Mr. WHEELER. I say that under the circumstances it is a perfectly foolish provision.

In the first place, under section 4 (c) the language reads:

On and after the finally effective date of the proclamation any person wilfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

There is a provision subjecting a man to imprisonment for 1 year or $5,000 fine. It seems to me the appropriate method would be to take a man into court and file a charge against him, when he would have a chance to be tried by a court and a jury on the question whether he had taken appropriate action, or was trying to promote a strike.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield, for a question.

Mr. FULBRIGHT. The Senator spoke about appropriate action. As I understood, Mr. Whitney said the only action necessary was the sending of a code word, that that would do the job. That is all the kind of action that is necessary.

Mr. WHEELER. I am not standing up for Mr. Whitney, because I think what he did was entirely wrong. What I should like to see done would be the passage of legislation which would make it punishable for anyone to strike against the Government of the United States. I say frankly that we cannot tolerate any person striking against the Government when the President says it will injure the health of the people or destroy the economy of the Nation. No man of intelligence in the United States can tolerate that, because if that could be done, then one or two individuals could destroy the Government of the United States, and of course none of us would permit that to be done.

I say that such procedure as is suggested would make a mockery out of the law, and it should not be in the bill, because there are provisions in the bill under which a man can be fined $5,000 or sent to the penitentiary for a year, without the injunction procedure.

Mr. FULBRIGHT. I understood the Senator to make a point about there being something mysterious about a labor leader calling off a strike. It seems to me it is simple.

Mr. WHEELER. Did the Senator ever hear of the supreme court of any State issuing a mandatory injunction saying, "You have to make such and such a statement"? I challenge the Senator to find any case in the Supreme Court of the United States, or in any State, where that kind of an injunction has ever been issued against a labor organization or anybody else.

Mr. FULBRIGHT. The conditions which have made the labor legislation necessary are only of recent origin, and certainly in recent years it has been against the law to issue an injunction at all.

Mr. WHEELER. That is no excuse whatever. After all, does the Senator want us to write into the law something that is futile?

Mr. FULBRIGHT. No.

Mr. WHEELER. Does he want to write something into the law that makes a mockery out of the law? How an intelligent lawyer can stand on this floor and say that the provisions of this bill make ordinary good sense is beyond my comprehension.

Mr. FULBRIGHT. There is a further explanation of that. There are Senators in this body who are really familiar with the labor laws—and I confess I am not—and they have not been eager to bring in any legislative proposal dealing with labor. That is why we are confronted with this kind of substitute.

Mr. WHEELER. That is no reason why we should pass on something which on its face is absurd.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SALTONSTALL. I see the point the Senator makes. Would it not clear up the situation if we merely eliminated the words "to take appropriate affirmative action"? What do those words add? If we delete those words, it becomes the obligation of the officer to rescind or terminate the strike. Why would not that be an improvement?

Mr. WHEELER. I think it would be an improvement.

Mr. SALTONSTALL. What do the words "affirmative action" add?

Mr. WHEELER. Nothing. The only thing the words "affirmative action" do is to give the court the power to say whatever it wants to. No matter what a man said he did, the court could say, "That is not enough; that was not sufficient affirmative action."

The point I am trying to make is that, after all, there is another provision in the bill by which a man may be sent to the penitentiary for 1 year and fined $5,000. So why does anyone want to have an injunction issued and drag a man into court in an injunction proceeding to be tried before a judge, who could keep him in jail as long as he desired, until perhaps the man says, "I will issue a statement to my men saying that I call off the strike."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. The Senator realizes that the provisions of subsection (c), providing for a fine of $5,000 and imprisonment for 1 year apply only to officers or agents of employers or officers or agents of organizations. They do not apply to anybody except officers.

Mr. WHEELER. I understand.

Mr. BARKLEY. It would not be possible to fine or put into jail anyone except an officer or an agent.

Mr. WHEELER. I understand that.

Subdivision (b) reads:

On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

So that an injunction would be issued if a man were slowing down, or if men continued to strike.

Now I wish to refer to section 6 of the War Labor Act. Section 6 of that act provides:

SEC. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Then it provides:

No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TUNNELL. I should like to ask the Senator with reference to the general plan for the stopping of injunctions. As I understand, in March 1932, when that act was passed, the Senator was a Member of the Senate.

Mr. WHEELER. I was.

Mr. TUNNELL. What are the conditions now which did not exist at that time which would justify going back to the injunction plan?

Mr. WHEELER. The only reason or excuse for the injunctive procedure is that there is a strike against the Government. But there are provisions in the bill which in my judgment are far more effective than the injunction provision. For instance, in another place in the bill it is provided that one may be sent to the penitentiary for a year or fined $5,000, or both. Why should any one desire to antagonize labor further by making it possible to sue out an injunction?

Mr. President, I have defended probably as many labor organizations as any other Member of the Senate, and I have taken part in a great many injunction proceedings. As a matter of fact, the first case I ever had in a Federal court was one in which the Bell Telephone Co. sought an injunction against its employees. Incidentally, in that case there were sent to jail for violating the injunction two men who were not guilty at all, and the evidence clearly showed that they were not guilty. But the judge sent them to jail with practically no evidence before him. They were poor individuals, who did not have money, and they had to go to jail and serve out their time when they were perfectly innocent. On the other hand, the judge did let some men go who were guilty of violating the injunction.

Mr. TUNNELL. Mr. President, will the Senator yield for a further question?

Mr. WHEELER. I yield.

Mr. TUNNELL. I call the Senator's attention again to section 4, and keeping in mind that this is, as I now understand, a contention or a difficulty existing between the United States Government and the employees, I should like to know who would be the ones against whom the injunctive relief would be obtained after the plant is taken over by the Government, under the language of section 4, which is:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption—

Would it be the employers, or management, or the United States Government against whom the injunctive relief would be obtained at such a time? Who would be the "officers of the employer?"

Mr. WHEELER. It would be those whom the Government employed. The language itself shows how loosely and carelessly the legislation has been drawn by whoever drafted it. I do not know who drafted it. But whoever drafted it did one of the poorest jobs in my judgment that has ever been done on any bill I have seen presented to the Senate of the United States.

Mr. TUNNELL. Is it possible to determine who is meant by that language?

Mr. WHEELER. Of course, what was intended was to designate the officers of the company. But the officers of the company become the officers of the United States when the plant is taken over by the Government.

Mr. TUNNELL. But this language says that the officers of the United States must take positive action to prevent the lock-out.

Mr. WHEELER. That is true.

Mr. TUNNELL. And the Federal courts would have to grant that positive relief against the employees of the United States.

Mr. BARKLEY. Mr. President, there is no mystery about this language, and it does not require a Philadelphia lawyer to interpret it. I do not admit by that allusion that a Philadelphia lawyer is any more able than any other lawyer, but the provision is that—

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out.

That would not be the United States. It is the officers of the company who are conducting or permitting a lock-out. It seems to me there is no room for misinterpretation as to what that language means. The Government of the United States would not be conducting the lock-out. No officers of the United States Government would be permitting or conducting a lock-out. It would be the officers of the company who are permitting or conducting a lock-out.

Mr. WHEELER. The point the Senator from Delaware makes is that after the Government takes over a plant the officers of the company immediately become officers of the Government of the United States.

Mr. BARKLEY. The language here is "On and after the initial issuance of the proclamation."

The initial issuance of the proclamation may provide for a period of not less than 48 hours thereafter, or it may provide for a week or 10 days thereafter. So that immediately upon the issuance of the proclamation the Government does not take over the plant.

Mr. WHEELER. I assume that when the proclamation is issued the Government takes over the plant.

Mr. BARKLEY. The men may have 48 hours to go back to work.

Mr. WHEELER. Suppose the President issues a proclamation that if the men do not return within a week the Government will take over the plant. Does anyone contend that after the issuance of such a proclamation the employees will be locked out? And, if a court knows that the Government has taken over a plant, would it issue an injunction? To that extent the language does not seem to mean anything whatsoever. There are many loosely framed provisions in the bill which on their face seem to be rather ridiculous. The bill contains a provision under which individuals can be sent to the penitentiary because they are guilty of certain offenses. In view of that fact, what excuse is there to provide for the issuance of injunctions?

Mr. President, let me say that because of the abuses which have grown up by reason of the use of the injunctive process against labor organizations the mention to labor of the word "injunction" is like waving a red flag in the face of a bull. That is the one thing that all laboring men and labor organizations despise. They despise the word "injunction" because of the tremendous abuses that have occurred through the issuance of injunctions, such as the injunction to which the Senator from New York called attention.

Mr. President, I call attention to the fact that the Senate rejected the nomination of a very able and estimable gentleman who was nominated to be Justice of the Supreme Court. The Senate turned down his nomination because he had issued an injunction in a case involving what was called a yellow-dog contract. The Government itself, when it takes over a plant would, if it applied for an injunction, in effect say to the laboring man, "We condemn the issuance of injunctions to private individuals, particularly when it is not necessary by reason of the fact that other provisions in the law will reach what is sought to be reached; yet we ourselves are going to do something which will further tend to inflame the public mind and inflame the workers of the country."

Mr. President, I say frankly and in all sincerity that if this provision is left in the bill it will result in doing more to stir up unrest among laboring men from one end of the country to the other than anything else the Government can possibly do.

Our forefathers demanded the right of trial by jury, and under the Constitution every man has a right to trial by jury. If a man violates the law he is entitled to and should be given a trial by his peers; not by a judge who can send him to the penitentiary through a mere whim or practically without due process of law. There is no provision in the bill with respect to what kind of a hearing shall be had. The bill says that the matter shall be heard immediately; but what kind of a hearing shall it be? The bill does not even say that a real hearing shall be granted.

Mr. President, we ought to be reasonable about this matter. I do not contend that the Government of the United States should not have the right to punish those who strike against the Government after the President of the United States has issued a proclamation saying it is necessary for the Government to take over an industry because the continued operation of the industry is vital to the health and the economy of the people of the United States. Any labor leader, whoever he may be, who defies the Government of the United States under such conditions ought to be tried and, if found guilty, sent to the penitentiary. So far as I am concerned, and so far as the American people are concerned, no organization, whether it be an organization of business, of labor, or of farmers, can be permitted to do anything which would injure the health, the economy, or the freedom of the American people. The American people are not going to permit anything to be done which will bring them to the point of starvation.

Mr. President, when we act, let us act upon a reasonable, sensible basis, and not be carried away by passion after we have been in session for more than 11 hours—after being in session until late at night—and pass a bill which will be the cause of great regret, if such a provision as this is allowed to remain in it.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. I assume that this provision has been presented as a remedy for strikes. But let us assume the proposed remedy is actually applied. If the man who has authority to issue the order which the Government requests him to issue will not issue it, he will be fined and sent to jail. Wherein does the remedy lie? The man goes to jail, but that does not stop the strike. The men are still out on strike. So where is the remedy?

Mr. WHEELER. Certainly, even though a mandatory injunction is obtained, that in itself does not stop the strike because all that is said to the individual is, "We will keep you in jail."

Mr. SHIPSTEAD. Yes; and that man says, "I will go to jail."

Mr. WHEELER. All that can be said to him is, "We will keep you in jail until you issue the kind of statement you ought to issue." Then suppose the man says, "Very well, send me to jail."

Mr. SHIPSTEAD. And let us say there are 10,000 men out on strike. What is going to be done with them?

Mr. WHEELER. Mr. President, I am frankly sorry to see legislation of this kind enacted, because, as I said before, I think I know something about the labor movement, and I know how the bill will be received.

The PRESIDING OFFICER. The time of the Senator from Montana on the amendment has expired.

Mr. WHEELER. I will speak on the bill.

The PRESIDING OFFICER. The Senator is recognized to speak on the bill.

Mr. FULBRIGHT. Mr. President, will the Senator suggest what he would do under the circumstances? Will the Senator tell us what is the proper remedy? The Senator says that injunctions will not work and fines will not work. Is there nothing that can be done?

Mr. WHEELER. The issuance of an injunction is not going to work. First it is impractical.

Mr. FULBRIGHT. What will work?

Mr. WHEELER. If the labor leaders are told they will be put in jail, I think that would work. Of course, if it will not work——

Mr. FULBRIGHT. I just understood the Senator to say that it would not work.

Mr. WHEELER. Let me finish my statement, please. Let us consider the threatened shipping strike. If the maritime workers go on strike, and the President has to take over the shipping lines, because the strike would have a very harmful effect on the economy of the country, the President has the remedy. He can man the ships with Navy personnel and take care of the situation. All he has to do under the provisions of this bill is to send the strikers to jail if they continue to refuse to work. In my opinion, it will not be necessary for him to send many individuals to jail if they strike against the Government. In my judgment, public sentiment in any community will have greater effect than anything else if there is a prolonged strike, as was threatened the other day with respect to the railroads. In my judgment, public sentiment would have driven the railroad men back to the trains, and nothing could have kept the railroad men off duty for any length of time, because I think there is no finer group of patriotic citizens in this country than the rank and file of railroad men. I think they were being misled by their leader, and I do not believe that Mr. Whitney could have held them in line much longer.

Mr. FULBRIGHT. The Senator is speculating about the railroads. What about the coal strike? The coal miners had been out for some time. Public sentiment was very high, yet it made no difference.

Mr. WHEELER. That is correct. We had a coal strike during the war. But when we had a coal strike during the war Mr. Roosevelt did not ask to have the miners enjoined or sent to a penitentiary. The strike was settled.

Mr. FULBRIGHT. Mr. Roosevelt did ask for this very same power in his veto message on the Smith-Connally Act.

Mr. WHEELER. What he said was that if they did not go to work he would ask for legislation of this kind. Instead, we are faced with a situation in which legislation was sent here which is ill-conceived, ill-advised, and very poorly thrown together, by someone who does not know very much either about the labor movement or about the law. He does not know very much about drafting legislation.

Mr. FULBRIGHT. At least it served the same purpose as the President's statement, because both strikes were settled. It served the purpose.

Mr. WHEELER. I compliment the President on the speech which he made on last Friday night. I compliment him upon the speech which he made to the Congress of the United States; but I cannot compliment him upon the statement which he made advocating the drafting of men or women to work in the mines or in factories, because in my judgment that is un-American. It is against the Constitution of the United States to do what was attempted to be done.

For a great many years I represented practically every labor organization in every lawsuit of any consequence that was conducted in my city or in the State. I represented the American Federation of Labor, many of the railroad brotherhoods, and other unions. I am really amazed to see legislation of this kind proposed. I am amazed to see advocated the things which are here advocated. In the first place, I cannot conceive of an intelligent court attempting to say to any one, "I will put you in jail and keep you there unless you make a statement of this kind or that kind." I can conceive of ignorant or corrupt judges sometimes getting on the bench. But we would never find a Federal judge or district judge in my State, thank God, who would ever issue an injunction of that kind. I doubt if a Federal judge anywhere in the United States would have the temerity to issue an injunction of that kind.

So why write into the law something which on the face of it cannot be enforced? Why write into the law something which is calculated to disturb and inflame the laboring people of this country? Why write something into the law when there are other provisions under which the laboring man, if he violates the law, may have a trial by a jury of his peers and an opportunity to introduce evidence, as well as to appeal the case to an appellate court upon the facts and the law. If a judge should make a finding under the terms of this bill, the defendant could appeal in vain, because he would be found guilty before he ever got started.

I sincerely hope that this provision will be stricken from the bill. I can assure the Senate that if it goes into the bill it will do far greater damage and stir up more animosity toward the Government of the United States than could possibly be caused in any other way.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SALTONSTALL. I should like to ask the Senator a question. Section 4 of the bill under discussion, House bill

6578, deals with the officers of the employer and the officers of the labor unions.

Mr. WHEELER. That is correct.

Mr. SALTONSTALL. In lines 12 and 13, on page 3, there is reference to "any person participating in the calling of such strike," and so forth. That line has been eliminated. If we turn to section 6 of the War Labor Disputes Act, in that section it is provided that:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue work or to accept employment.

Mr. WHEELER. That is correct.

Mr. SALTONSTALL. My question is this: If section 4 of the pending bill covers the officers of the employer and the officers of the labor organization, and grants the power to put them in jail if they do not help out, to whom does the injunction apply if those other words have been eliminated from the bill?

Mr. WHEELER. It applies only to officers and agents of the union.

Mr. SALTONSTALL. So there is a double penalty on the officers. They can be put in jail, and they can be enjoined.

Mr. WHEELER. Yes; there is a double penalty on the officers.

Mr. MORSE. Mr. President, I wish to speak very briefly, after which I shall ask for a quorum, because I think it is very important that on this particular amendment there be a record vote. I think it is one of the most vital provisions of the bill.

My brief remarks in regard to government by injunction cannot add anything to what the distinguished Senator from Montana has just told the Senate. I think he gave an exceedingly good history of the very serious problem of labor injunctions. I wish particularly to emphasize one point made by the Senator from Montana. The Senator from Montana said, in effect, that if we go back to the government-by-injunction process which existed prior to the Norris-LaGuardia Act, it will be a serious source of labor agitation. I think the Senate of the United States ought to recognize the fact that there is one issue on which American labor will unite. There is one issue on which it will continue to fight, and that is the issue of the labor injunction, because over the years American labor has suffered great hardships and many injustices.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. SMITH. I agree with the Senator's position as to the use of injunctions in labor disputes, a situation which was attempted to be remedied by the Norris-LaGuardia Act. But I am troubled by the present situation. We are dealing with a bill which will apply only in the event that there is a strike against the Government of the United States. The only place where the injunction enters is where the Attorney General, who is the judicial officer of the United States, must take the initiative under a special power. There must be a difference between ordinary disputes in which injunctions are used, and emergency cases. I think we are all agreed that injunctions should not be used in ordinary disputes. I am just as much opposed to that practice as is the Senator from Oregon. But what can the President do if he is not able to call on the judiciary to protect him in the case of strikes against the Goverment? That is the big problem which we must face, and we must keep that distinction clearly in mind, or I think we shall confuse the issue before us.

Mr. MORSE. I think the Senator from Montana completely answered the point of the Senator from New Jersey. The Senator from Montana pointed out that there are penalty powers in this bill which are being overlooked.

It was also pointed out that, of course, abuse of the injunction can be exercised by the Attorney General of the United States, so far as his advice is concerned, or by any Federal judge who issues an injunction under the advice of the Attorney General.

Mr. SMITH. I agree with the Senator.

Mr. MORSE. Whether the case is an emergency case or not, the abuse of the injunction is just as likely to be prevalent in an emergency case as in an ordinary case. In fact, I am inclined to think that it would be somewhat more prevalent, because of the likely hysteria which would exist at the time of an emergency case.

Mr. SMITH. I do not wish to be misunderstood in my position, because I agree with the Senator. I am as much afraid of the use of the injunction as he is; but I am trying to visualize the situation for myself. The President finds himself without a remedy, and he is asking us for remedies. With respect to every remedy that is proposed we say, "We cannot do it." Perhaps he does not need any more remedies than he has. He has the Smith-Connally Act. I have made that argument. But here we have a situation in which the President asks us for special powers, and we are saying that we cannot grant them. I voted to strike out section 7. I have agreed to strike out everything in the bill which is oppressive of the workingman. But in the case in which the workers defy the Government, it seems to me that we should uphold the President of the United States when he says that the Government must be supreme.

Mr. MORSE. I am at a loss to understand why the Senator thinks there will be no remedies left in the bill if section 5 is eliminated. If he will reread the bill, I think he will find plenty of remedies. On the basis of his argument, I certainly do not believe that he is justified in asking that we again give the Federal judiciary, even in so-called emergency cases, the power to exercise the discretion inherent in the granting of injunctions. I believe that the Senator from Montana has most adequately answered the Senator from New Jersey.

To proceed with my argument, Mr. President, I wish to point out that in the granting of injunctions in labor cases the problem which faces the court is not nearly so much a problem of law as it is a problem of judicial legislation, in which the court brings into play, through the injunction, the court's social and economic theories. Out of that practice on the part of the Federal judiciary grew the great abuses which existed prior to the Norris-La Guardia Act. If we are here tonight really seeking to enact a law which will be conducive to labor peace, we ought to see to it that there is kept out of the law a great weapon of abuse which the Federal judiciary has used for so many years, namely, the injunction. I think we need to keep in mind that by training and experience—and I mean no disrespect to the judiciary, but I state a fact—the great majority of our Federal judges do not have a thorough background of understanding of the economic problems of labor, and labor knows it. Therefore, I say that we do not serve American employers well, either, when we put them in such a position that a small segment of American employers who are still labor-baiters can make use of an injunctive petition before Federal judges who have demonstrated in the past that they are inclined to bring into play their economic and social theories by way of judicial legislation, through the exercise of the judicial process.

I simply close with the warning that if what is wanted is a united front on the part of labor for as many years as it will take to see to it that there is reestablished in this country freedom from injunctive abuses, then leave section 5 in this measure.

Mr. President, because I think the issue is so important that we should have a record vote on this question, I suggest the absence of a quorum.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me before he does that?

Mr. MORSE. I yield.

Mr. SHIPSTEAD. I am still at a loss to find a remedy for a strike which seems to be against the Government, and admittedly should not be.

Mr. MORSE. I am sure the Senator from Minnesota knows my view on that matter. I believe that when emergencies arise which involve a break-down in the transportation of the country or the mines, or what not, we must use every power we have by way of seizure, and the President must exercise such powers as already are on the statute books.

But I say again, as the Senator from Minnesota has heard me say many times, that it is simply senseless to try to put on the law such a strain that thousands of men, believing that an injustice is being done to them, will challenge the Government from the standpoint of their right to quit work if they want to. Any attempt to drive them to work, rather than to lead them and persuade them to work, will in the long run, I say, break down. We should be very careful not to put such a strain on government.

I believe that if the President has the power to seize such plants—and long before he took action recently, I said on this floor that I believed he had the right to seize them—once he seizes them and asks the workers to cooperate so as to see to it that the wheels of that industry turn and that the industry operates, I

believe they will cooperate so as to enable it to operate. Any strikers who refused to respond to such a call to do their patriotic duty and to perform their responsibility as citizens would soon wilt, I think, in the face of public pressure. That is one of the points the Senator from Montana made, and I think it is an exceedingly sound one, and I think it is borne out by the experience of the years.

Mr. SHIPSTEAD. I simply wish to call attention to this question of which I think has not yet been answered: Where is there a remedy in a court injunction?

Mr. MORSE. I think no injunction actually will get men back to work. Rather, as the Senator from Montana has pointed out, it will be a red flag that unfortunately will produce a great deal of defiance and will lead, I believe, to great violence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Myers
Austin	Hawkes	O'Daniel
Ball	Hayden	O'Mahoney
Barkley	Hickenlooper	Overton
Brewster	Hill	Pepper
Briggs	Hoey	Radcliffe
Brooks	Huffman	Reed
Buck	Johnson, Colo.	Revercomb
Burch	Johnston, S. C.	Robertson
Butler	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capehart	La Follette	Shipstead
Capper	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Thomas, Okla.
Eastland	McMahon	Tunnell
Ellender	Magnuson	Vandenberg
Ferguson	Maybank	Wagner
Fulbright	Mead	Walsh
George	Millikin	Wheeler
Gerry	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wiley
Gurney	Murdock	Willis
Hart	Murray	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I dislike to detain the Senate by constant discussion of these amendments, but I feel it my duty to do so, and in this particular case I do so only in the hope that I may dissipate some of the confusion which seems to have been injected into the discussion of this amendment. I should like to have the Senate bear with me for just a moment while I point out what section 4 does, for it is the subject of the injunctive process carried in section 5.

In the first place, the Norris-LaGuardia Act, for which I voted, grew out of controversies arising between private employers and employees in which the Federal courts had abused the injunctive process. At that time the theory or the pattern of the necessity for the Government of the United States to take over private plants of any kind and operate them had not been initiated and had not begun. It was scarcely thought of. So all the abuses indulged in by Federal courts in issuing injunctions, which I condemned as heartily and as lustily as did any other Member of the Senate, did not remotely involve the matter of the jurisdiction and power and authority of the United States Government which, for the time being, became the operator of a plant or a facility. So the situation which then existed, and which might even now exist but for that statute, between private employers and employees in their relationship to the Federal courts, does not pertain here in a measure which deals only with controversies in which the Government of the United States has intervened, to become the operator of the plan, by taking it over. This bill does not deal with any other situation or relationship, and I think we should keep that point clearly in mind.

Section 4 provides, in subsection (a), which is the only part of section 4 as to which any penalty whatever is provided, that—

> On and after the initial issuance of the proclamation—

That is the proclamation referred to in section 2, which the President is authorized to issue—

> it shall be the obligation of the officers or agents of the employer conducting or permitting such a lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Some criticism has been voiced against the use of the words "take affirmative appropriate action." That may mean something else besides issuing an order to stop a strike. It may mean something else besides issuing an order for the men to return to work. It may mean persuasion on the part of the officers to bring every influence in an affirmative way to cause the men to return to work without the issuance of an order, or without rescission.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. It would then be up to the judge, in passing on the petition which had been filed by the Attorney General, to decide whether the labor leaders had used as much diligence and effort as he thought they should have used in causing the men to return to work.

Mr. BARKLEY. It would be up to the judge, on the application of the Attorney General, in his own discretion and in view of the facts submitted to him, to decide whether he should afford the relief applied for by the Attorney General, which may be in the form of a mandatory order by the court, or in the form of a prohibitive order.

Mr. PEPPER. So that we do not then define the criteria upon which the judge shall act in determining whether a man has committed substantially a criminal offense which may subject him to imprisonment.

Mr. BARKLEY. It would be as difficult for the Congress to write a blueprint on that subject as it would be to write the definition of the word "facilities," or to spell out many other things which the Congress in its wisdom might do, but which it has never seen fit to do because of the difficulty in trying to draw up a blueprint.

We now have subsection (a) of section 4 which places an obligation upon the officers of labor unions to take affirmative action to rescind action or lock-out, or whatever it may be.

We skip section 3 because it applies only to employees. Let us get down to section 4 (c).

> On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a)—

And I have just read that it applies only to officers and agents—

> of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

It is true that under those penalties an injunctive process would be operative against those who had been found guilty. In other words, the officers or agents might be fined or imprisoned, and yet the employees might continue on strike. To put a man in jail or subject him to a fine would not necessarily end the lock-out or the strike, and therefore the injunctive process would still be inapplicable even in the case of officers as to whom there had been a fine and imprisonment.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SMITH. I am very much interested in subsection (b) of section 4.

Mr. BARKLEY. I will come to that later.

Mr. SMITH. I wish to ask the Senator from Kentucky whether he is arguing that the injunctive process applies to workers under subsection (b)?

Mr. BARKLEY. I think it does, because it applies to subsections (a) and (b) of section 4.

Mr. SMITH. I agree with the Senator.

Mr. BARKLEY. I do not believe that it applies to employees.

Mr. SMITH. I thank the Senator.

Mr. BARKLEY. I wish to be frank with the Senator from New Jersey. When the language provides that the Attorney General may apply for relief under injunctive process where there has been a violation of section 4 it means all of section 4, including the officers and agents of the corporation, or of the labor union, who are subject to fine and imprisonment, and it might apply to men who continued to violate the orders of the Government who were not subject to fine or imprisonment. The only penalty now contained in the bill for those men is to take away their status as employees while they are out on strike. When they are reemployed, either by the owners or operators, or by the Government of the United States, that status may be restored.

There is no criminal penalty against men who go on strike; there is only a sanction. That sanction is that, after the operation has been taken out of the hands of the private owners and put into the hands of the Government of the United States if the men persist in continuing the strike or refuse to return to work their status as employees and their rights under the Wagner Act and under the Railway Labor Act are taken away from them, but their status may be restored to them as soon as they are reemployed.

There is nothing in this bill which provides for a penalty being assessed against those men. They may not be reached by the injunction in cases where they defy the Government of the United States. That is the only situation in which injunctive process may be applied, and we have nothing left in this bill except to say, in effect, "Although your leaders may be put into jail and fined, you may remain out on strike in defiance of the orders of the President of the United States, and all we can do to you is to suspend your rights under the Wagner Act until you are reemployed, and then restore those rights to you."

Mr. LUCAS. Mr. President, I have listened to this debate, and I believe that one of the fallacies of the arguments which have been directed against the bill may be found in the fact that the arguments have been based on the theory that this is a permanent piece of legislation. I have heard Senators speak of what has taken place in the past, but it was based on permanent legislation. I do not believe that it can be overemphasized that this is designed to be merely a temporary measure, and that by its own terms it will soon expire. It is predicated, however, on conditions which may have a most serious and disastrous effect on the economy, the health, welfare, and safety of the Nation. That comparison is never made in the arguments which we hear from time to time.

Mr. BARKLEY. I appreciate what the Senator has said. Of course, this legislation is to be temporary in character. It will expire on June 30, 1947, if not sooner. It is not only temporary, but it is limited in the field of its operation. That field of operation applies only where the Government of the United States has been substituted for a private employer, and the dignity, power, authority, and prestige of the Government are involved, justifying the taking over by the Government of properties and operating them in the interest of the health of the citizens of the Nation, and the welfare of the national economy.

Mr. CORDON. Mr. President, is it the Senator's view that section 4 is sufficiently broad to reach the individual who, having ceased his work perhaps because of a strike, but who, as an individual, and without having counseled, aided, or abetted others, says, in effect, "I am not going to work at that job"?

Mr. BARKLEY. There is a difference between section 4 of this bill and section 6 of the War Labor Disputes Act, which exempts from prosecution or fine or imprisonment anyone who ceases to work as an individual. This bill deals with concerted action. Where there is concerted action among a group of men resulting in the stoppage of work, or the cessation of transportation or other facilities, this bill applies. We must distinguish between section 4 of this bill and section 6 of the War Labor Disputes Act, because in the War Labor Disputes Act provision is made for fine and imprisonment to be imposed upon those who violate section 6 of the act. However, in this bill there is no such provision for fine or imprisonment being assessed against such an individual. The bill does apply, however, to officers and agents subject to fine or imprisonment, where there is concerted action among them to conspire, or agree together to stop the facilities which the President of the United States believes to be of such importance as to warrant the Government taking over and operating the plants or facilities. We must keep those differences in mind.

Mr. CORDON. If I understand the majority leader correctly in his interpretation of the section pertaining to the power of the court under an injunction, it would apply only to the individual who is engaged in concerted action with other individuals to bring about a stoppage of work, and it would not apply to the individual who, as an individual, has ceased work.

Mr. BARKLEY. It does not apply to a mere individual who makes up his mind to quit work. It does not apply to him. The bill specifically uses the word "concert," that it is to be by concerted effort. If there is a stoppage of employment by concert, it applies.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. Let me call the Senator's attention to subsection (b), which reads:

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

Mr. BARKLEY. That means it is unlawful, it means where they have agreed, by concert, to go out.

Mr. WHEELER. Oh, no.

Mr. BARKLEY. There cannot be a strike by one man.

Mr. WHEELER. There can be a strike by one man.

Mr. BARKLEY. It would not be much of a strike. It would not be the kind of a strike because of which the Government would want to take over a plant.

Mr. WHEELER. We would be leaving it up to a judge to issue an injunction, and it would be served upon every individual.

Mr. BARKLEY. I realize that an injunction is issued by a court, who is the judge.

Mr. WHEELER. And it is served upon every member, and if a man does not go back to work, he can be sentenced for contempt of court.

Mr. BARKLEY. Of course, if an injunction or any other process of court is violated, the offending party can be punished for contempt of court.

Mr. WHEELER. There does not have to be concerted action at all, because the injunction is to be served upon every individual.

Mr. BARKLEY. The Senator from Montana knows, and we all know, that a court is not going to issue an injunction against a single man who is going to quit work. There must be a cessation or interruption of work in the facility such as to endanger the life and the welfare and the economy of this Nation.

The language of the bill has been criticized as being inept and crude. I do not think it is fair to excoriate anybody who had anything to do with drawing the bill. I do not know how much better any of us could have done without the assistance of the Legislative Drafting Service, whom we always call in even to help us draw up a motion. It so happens that the Legislative Drafing Service collaborated with those who drew this bill. If there are any defects in its phraseology, I do not know that there would have been any better result if any one of us singly had gone into seclusion and tried to write a bill of this kind, or if any group of us had done so.

I do not think the merits of the bill should be condemned because someone may think he could have written a better bill. Suppose he could have written a better bill. There is no conclusive proof of it, so far as I know, in the history of the legislative process.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I am wondering whether or not the able Senator from Kentucky would say that if we inserted in subsection (b) of section 4 the exceptions in section 6 of the Smith-Connally law it would be interpreted and should be interpreted exactly as it is written now, so that any man might without question quit his employment and cease work if he did so individually.

Mr. BARKLEY. I think there must be a difference in the interpretation and in the construction of a criminal statute which involves an indictment and a trial, a fine and imprisonment, and a mere declaration of something that is unlawful if it takes place; and that is what subsection (b) does. It does not fix any penalty. It would not be possible to fine or imprison a person merely for engaging in this unlawful transaction.

Mr. FERGUSON. There is no criminal penalty except when we turn to page 4, lines 6 and 7, "and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act." So that if a man were to cease employment, unless he is excepted from the provisions of subsection (b) of section 4, the penalty of the court would be as provided, and it would not make any difference to the workman whether he went to jail under a criminal statute by a sentence, or went to jail by an order of the court under injunctive relief. He would still be in jail, as I read the section.

Mr. BARKLEY. If any individual came under subsection (b), if it were proved that he was not acting in concert with anybody else and was not engaged in a strike, but merely decided by himself to quit his job, therefore was not guilty of engaging in an unlawful act by the continuation of a strike, the sort of thing involved in subsection (b), he would not be punished. I think there must be a concert of action and cessation of work by agreement. If any individual who was brought into court could prove he had nothing to do with it, but that he merely quit because he wanted to, he would not be found guilty.

Mr. FERGUSON. Then would the able Senator from Kentucky consent to modify subsection (b) by adding to it as exceptions the last two or three lines of section 6 of the Connally Act?

Mr. BARKLEY. No; because I think the basis is entirely different. There is a criminal statute, there is an effort to exempt an individual who is acting all by himself, alone, without any concert with anyone else, from the application of the penalty, if it might be sought to apply it to him. I think we are likely to amend and modify the bill until there will be nothing left but the number of the bill, H. R. 6578, and the enacting clause. If we are to do that we might as well come right out and vote against the bill and say that we have marched up the hill and now are ready to march back down the hill. I am not willing to do that.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I call the attention of the able Senator to some language which I think would meet the situation, and I call it to his attention with the hope that he may accept it, and that it may be written into section 5, which we are discussing. It would come on page 4, between lines 23 and 24, to insert a new subsection to read as follows:

Mr. BARKLEY. That is, at the end of section 5?

Mr. REVERCOMB. At the end of section 5. I propose to add:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

I may say to the majority leader that if that language were adopted, this whole issue would be clarified, and we would not have the suspicion raised in the minds of many Senators that an injunction may be issued against an individual who stops work for good cause.

We know that the injunctive relief was never intended to be used in this instance except where there was a conspiracy to act in concert, and to interfere with the Government's control and operation of a business. So I suggest to the able majority leader that he consider acceptance of this language, which clarifies the whole point, and will do away with any thought or doubt that the Government would seek an injunction against an individual who had stopped work or who would not go to work.

Mr. BARKLEY. Mr. President, if this were a criminal statute, under which the burden of proof would be on the Government anyway to prove a conspiracy, it would be one thing; but this is not a criminal statute. It is an effort of the Government to bring about a cessation of a concerted situation which has caused a condition which endangers the life and health and welfare and economy of the Nation.

I do not believe that it is fair to put upon the Government in a noncriminal statute the burden to prove that there has been a conspiracy on the part of enjoined individuals to go out on a strike, or to bring about a lock-out, as the case may be, in order to stop work and prevent the transaction of business. I would not feel that we were acting in the interest of the very objectives of the proposed statute if I agreed to the amendment which the Senator suggests.

Mr. REVERCOMB. The Senator has used the words "concerted action," which perhaps describe the situation better than the word "conspiracy." But the whole sense and whole gravamen is the concerted action of several together. Certainly it is not intended that one individual, because he has reason to quit work, acting upon his own judgment and not in concert with others, is to be subjected to an injunction. I hope the Senator will accept the suggestion.

Mr. President, is it in order to offer an amendment to section 5 of the pending bill?

Mr. BARKLEY. Mr. President, it is not in order while I have the floor.

Mr. REVERCOMB. Of course, I did not want to take the Senator from the floor.

Mr. BARKLEY. I will yield to the Senator if he wants to propound an inquiry.

Mr. REVERCOMB. I do propound the inquiry, and will offer the amendment later.

Mr. BARKLEY. I do not want the time consumed in this parliamentary inquiry and the response to it taken out of my time, which I think is about exhausted now.

The PRESIDING OFFICER. It will not be taken out of the Senator's time.

Mr. REVERCOMB. As a parliamentary inquiry, I ask if I may offer an amendment to section 5 at the end of the speech of the Senator from Kentucky?

The PRESIDING OFFICER. The Senator from West Virginia may offer an amendment before the debate is ended to the amendment now pending.

Mr. BARKLEY. Mr. President, let us assume this sort of case. Suppose 5,000 men, or 100,000, have gone out at the very same moment on a strike, all going out at the same time. Under such an amendment each one could come into court and say, "I had nothing to do with it. I did it on my own account. I never concerted with anybody else about it." The burden of proof would be on the Government to prove that every one of those 5,000 or 100,000 men conspired with others to go out on strike, notwithstanding the fact that they all went out at the same moment.

I ask the Senate whether it wants to put itself in the ridiculous attitude of saying that if 50,000 men, or 100,000 men, or 200,000 men, or 500,000 men went out on strike at the same time, when the clock struck the hour, it must show that every one of them who went out had entered into a conspiracy? Or if it were asserted by an individual that he went out on his own volition and without concert of action with others, that the burden is then on the Government to show that he acted in concert with others, notwithstanding his statement that he did not, but that each one went out for himself, simply because he wanted to. Certainly we cannot in all seriousness assume such an attitude. For that reason I will say to the Senator from West Virginia I think if his amendment were put in the bill, then after the Government took over a plant, and an individual went on strike and refused to go back to work, he would only have his rights under the Wagner Act and the Railway Labor Act suspended until he was reemployed. That would be the only provision for punishment left in the bill. If anyone thinks that that situation would result in the orders of the Government of the United States being obeyed or the dignity and the authority of the United States being maintained, I think he is extremely optimistic.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. The Senator has based his argument upon the ground that if the amendment which I intend to offer at the close of the remarks now being made by the Senator from Kentucky were adopted it would mean that the burden would be upon the Government to show that there was concerted action. As a matter of fact—and I propound this as a question—would not any injunction which was granted be issued against all the strikers, and would not the burden be upon the individual to show that he did not come within or under the terms of the injunction?

Mr. BARKLEY. No, I do not think so. I think a court of equity would take into consideration the whole situation, and in the absence of such an amendment the court might conclude that if 50,000 or 100,000 men went out at the same moment there was concert of action; but if any one of them came in and said that he had nothing to do with it; that he simply walked out without regard to anyone else; the burden, under the Senator's amendment, would then shift to the Government to prove that the individual went out in concert of action.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. The able Senator from Kentucky has said that if the amendment of the Senator from West Virginia should be adopted, the only thing the individual would lose would be his rights under the Wagner Act and under the Railway Labor Act. I ask now whether issuance of the injunction would not restrain the individual from picketing, because picketing would be such action as would come within the sixth section of the Labor Disputes Act, the Smith-Connally Act?

Mr. BARKLEY. Picketing, for which there is a criminal penalty, would, I think, come under that section. But the bill we are dealing with now does not touch picketing or have anything to do with it.

Mr. FERGUSON. But this section, together with section 5, would restrain picketing.

Mr. BARKLEY. It might restrain the violation of the orders of the President. Whether the President would issue an order against picketing I do not know. But if the President ordered the men back to work and they refused, then the injunctive process would apply. But the men could not be punished criminally or be fined or put in prison. The only possibility of that sort of punishment would be where there was contempt of court by reason of violating an order of the court, in which event there could be a criminal penalty imposed.

Mr. REVERCOMB. Mr. President, I send to the desk an amendment to section 5 and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, line 1, after "SEC. 5" it is proposed to insert "(a)."

On page 4, between lines 23 and 24 it is proposed to insert the following new subsection:

(b) No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I wish to make a brief statement by way of explanation. The amendment is to place certain language at the end of section 5. The amendment is composed of one sentence, as follows:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The sole purpose of that language is to do just what has been argued here by the proponents of this measure in the form that it is before us, and that is to make definite and certain that the injunction will not fall upon an individual who in good faith, for what he believes to be good cause and not in concert with others, stops his work. The language could not be clearer. The purpose, as expressed by it, could not be more certain. I feel that if we are to use injunctive relief and if we really do not intend that it shall fall upon the individual, my amendment should be adopted so as to declare clearly the policy of the Congress upon that point.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. TAFT. The Senate perhaps will remember that earlier today the distinguished Senator from Arizona [Mr. HAYDEN] read the law which was passed at the time of the British general strike in order to give the Government power to act in that strike. These words were first written in that British law. They are in what is probably the most severe antistrike law ever passed. All these words and this protection for the individual are contained in that British law. It was then copied from that law into the Smith-Connally Act. It was again used where there was any general danger in the Case bill provision which Congress passed last week. So this is nothing new. This is a protection for the individual who does nothing whatever toward forwarding a strike except to obey the general orders of the union. It seems to me that certainly it should be adopted in this law as in any other law aimed to prevent strikes.

Mr. REVERCOMB. I thank the Senator from Ohio.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. REVERCOMB. I will yield to the Senator in a moment. I may say that this very provision was put in the permanent legislation passed by this body last Saturday, when we wanted to be certain that the punishment or the force, so to speak—and here the force is injunctive relief—would not fall upon the individual who, for what he believed to be good cause and for reasons of his own, quits work. The section itself is certainly intended to reach only those who in concert act to block the work while the industry is under the control of the Government. The amendment constitutes a clarifying statement. Nothing is left in doubt if we adopt this language, certainly there is doubt if it is not adopted.

I now yield to the Senator from Oregon.

Mr. CORDON. I desire to propound an inquiry to the distinguished Senator from West Virginia, and to explain why the interrogatory is propounded.

In cases of this character, when interpretation becomes necessary by the court, the statements made by those who propose legislation become evidentiary in connection with the interpretation which may be made by the court. The distinguished Senator has presented this amendment, which frankly in my opinion, is absolutely essential if we are to adopt the section in question, and his understanding as to the meaning of the language becomes doubly and trebly important.

I ask the Senator from West Virginia whether in his opinion the word "only" as used in the sentence means that as to the individual involved he is not liable to the injunction process solely and for no other reason but the fact that he himself, without consideration for the action of any other person does not return to work?

Mr. REVERCOMB. I think it very clearly means that. I think that the use of the word "only" limits and strengthens the intent of this language, that when the individual quits only, or does not return to work only because he himself is acting, that injunctive relief should not lie.

Mr. CORDON. Will the Senator from West Virginia indulge me further?

Mr. REVERCOMB. I yield.

Mr. CORDON. I desire to say further that if the amendment of the Senator from West Virginia is adopted, then, as one Member of this body, I can support section 5. If it is rejected I cannot support it, because in my opinion the section as a whole violates the fundamental fabric of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Just a moment. If this amendment is adopted to section 5 the Senate may as well adopt the same amendment to section 6.

Section 6 begins as follows:

Any affected employee—

That is, any single employee affected by these violations—

who fails to return to work on or before the finally effective date of the proclamation * * * shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act.

If we are going to exempt single employees who say, "I did not go out in concert; I merely got tired and quit," we might as well put the exemption in section 6, so that there will be no loss of rights under section 6. Then all we shall have left will be a pious prayer and supplication on the part of the President of the United States—"Won't you please go back to work?"

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. Mr. President, in reply to what has been said——

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that he has already made one speech on the amendment.

Mr. MILLIKIN. Mr. President——

Mr. TAFT. Mr. President——

Mr. REVERCOMB. Mr. President, have I the right to yield?

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado in his own right.

Mr. MILLIKIN. Mr. President, with all due respect to the distinguished majority leader, I can see no analogy whatever between affixing the amendment which the distinguished Senator from West Virginia has offered, at the place where he has offered it for inclusion, and affixing it to the next paragraph. The subject matters of the two sections are entirely different. One does not require the same context or the same theory of approach as the other.

I, too, hope that the amendment of the Senator will be adopted. Like the distinguished Senator from Oregon [Mr. CORDON], I could possibly support the bill, if I supported it at all, only if that provision were included.

Mr. OVERTON. Mr. President, I am in thorough accord with the position taken by the majority leader in reference to the proposed amendment. I wish to take this occasion to congratulate him on the magnificent manner in which he has met the issues in this great debate. I do not believe that our majority leader has ever risen to greater heights of leadership than he has in the conduct of the pending measure.

Mr. President, it is now 11:27 p. m., and we are standing here caviling and quibbling about prohibitory injunctions and mandatory injunctions. We are caviling and quibbling about this little provision in the bill, and that little provision in the bill. We are overlooking the great objective of the pending legislation. The great objective is to prevent a recurrence of the episodes which disgraced law and order in the American

Republic during the past few weeks and which brought people of the United States to the verge of economic disaster, starvation, and ruin. In the near future we shall be faced with similar episodes. Yet we stand here, and, instead of acting, we are caviling about whether some labor leader may perforce be enjoined, or whether some labor racketeer may be imprisoned. That is the important issue. The unimportant issue is that millions of people may have their economy disrupted and that thousands upon thousands of men, women, and children—and even babies—may face starvation as a result of similar strikes which have been proposed and which may develop within a few weeks.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. OVERTON. I will yield in a moment.

So far as I am concerned, I stand by the voice of the American people, who want the Congress of the United States to do something for their own rescue and their own salvation, against the threats to the Federal Government and to the welfare and security of the Nation. I care not whether any labor leader, whether he be a Lewis or a Murray or anyone else, is enjoined or not. What difference does it make when we are face to face with the stark realities of threatened disaster?

I now yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I have listened to the Senator's condemnation of the labor leader. But the very purpose of the proposed amendment is to protect the individual workingman himself, who may be ordered by that leader to follow a certain course, but who should not be punished or forced by an injunction to do something when for good reasons of his own he individually stops work.

Mr. OVERTON. My answer to the Senator is that I am against his amendment, and I shall vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB]. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present and voting he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "yea", and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 36, nays 44, as follows:

YEAS—36

Aiken	McCarran	Revercomb
Ball	Magnuson	Robertson
Brewster	Mead	Shipstead
Brooks	Millikin	Smith
Buck	Mitchell	Taft
Cordon	Moore	Tunnell
Donnell	Morse	Wagner
Downey	Murdock	Walsh
Ferguson	Murray	Wheeler
Guffey	Myers	Wherry
Kilgore	O'Daniel	Willis
La Follette	Pepper	Wilson

NAYS—44

Austin	Hart	McMahon
Barkley	Hatch	Maybank
Briggs	Hawkes	O'Mahoney
Burch	Hayden	Overton
Byrd	Hickenlooper	Radcliffe
Capehart	Hill	Reed
Capper	Hoey	Russell
Connally	Huffman	Saltonstall
Eastland	Johnson, Colo.	Stanfill
Ellender	Johnston, S. C.	Stewart
Fulbright	Knowland	Thomas, Okla.
George	Lucas	Vandenberg
Gerry	McClellan	White
Green	McFarland	Wiley
Gurney	McKellar	

NOT VOTING—16

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Young
Bridges	Langer	
Bushfield	Taylor	

So Mr. REVERCOMB's amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. What is the question upon which the Senate is now voting?

The PRESIDING OFFICER. The amendment offered by the Senator from New York [Mr. MEAD] to strike out section 5.

The legislative clerk resumed and concluded the calling of the roll.

Mr. BUTLER. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY], is detained because of illness. If present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "yea," and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 19, nays 61, as follows:

YEAS—19

Aiken	Magnuson	Taft
Cordon	Mead	Tunnell
Downey	Mitchell	Wagner
Guffey	Morse	Walsh
Kilgore	Murray	Wheeler
La Follette	Pepper	
McCarran	Shipstead	

NAYS—61

Austin	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Overton
Brewster	Hayden	Radcliffe
Briggs	Hickenlooper	Reed
Brooks	Hill	Revercomb
Buck	Hoey	Robertson
Burch	Huffman	Russell
Byrd	Johnson, Colo.	Saltonstall
Capehart	Johnston, S. C.	Smith
Capper	Knowland	Stanfill
Connally	Lucas	Stewart
Donnell	McClellan	Thomas, Okla.
Eastland	McFarland	Vandenberg
Ellender	McKellar	Wherry
Ferguson	McMahon	White
Fulbright	Maybank	Wiley
George	Millikin	Willis
Gerry	Moore	Wilson
Green	Murdock	
Gurney	Myers	

NOT VOTING—16

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Young
Bridges	Langer	
Bushfield	Taylor	

So Mr. MEAD's amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. PEPPER. Mr. President, I shall not delay the Senate, because I think I speak for a good many of those who have been opposing this measure when I observe that there is no further use in attempting to delay this matter. The Senate has made up its mind about the action it desires to take.

I only wish to say, with all due deference to our able leader, that on Monday evening last he expressed the thought that nothing would be gained by further consideration of this bill. Some of us were subjected to considerable criticism because of a request that sufficient time be allowed for public opinion to express itself on this measure, if it cared to do so. I am glad that in the time which has elapsed since Saturday night, when the attempt was made to have us act hastily, sufficient consideration has been given and sufficient thought has been devoted to result in the adoption of substantial amendments to the bill. Section 7, providing for drafting labor into the Army, was stricken out, and then section 9 was stricken out, and section 6 was amended so as to remove the penalty of loss of seniority rights to workers who might stop work in a legal sense, and other significant changes have been made in the bill, I am sure everyone will agree. So that there has been a salutary change of the measure by reason of the opportunity, afforded by the time which has elapsed, to consider the bill, as I have stated. I think there is probably a lesson involved in the matter, namely, that no matter how great the pressure and no matter how insistent the demand, we must, above everything else, preserve the character of this body as a deliberative body. We cannot deliberate upon a measure without having a fair opportunity to consider it and to discuss it. So much for that.

Now, Mr. President, let me say that I think it is plain, nevertheless, as the measure stands now, that by this bill we have made a very significant and signal departure from the law of the past. For the first time the Congress has chosen to make it unlawful for an individual worker to quit work, if the plant at which he works happens to be in the custody of the United States Government, pursuant to the mentioned proclamation of the President of the United States. In the Smith-Connally Act we have subjected the leaders of such strikes to prosecution, but in that law itself we exempted the individual worker from subjection to the penalty of prosecution.

In the pending measure, the one man or one woman who exercises a right which I thought no one had seriously challenged—the right of a man or woman to quit work, or not to return to work even if the Government had custody of the plant at which he or she worked—we have now adjudicated that that is unlawful and, being unlawful, he is subject, first, to a legal deprivation of the protection which he has otherwise had under the National Labor Relations Act and the Railway Labor Act; second, he is subject to criminal prosecution, and he may be fined $5,000 or imprisoned in the penitentiary for 1 year, or both; third, he may be tried by a single judge in a contempt proceeding filed by the Attorney General of the United States, without any limit upon the penalty which the judge may impose upon him, and he may be incarcerated in prison, and the language under which he may be incarcerated is so general that no court in the land can effectively review the discretion or the act of the judge who inflicts upon him that penalty.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. On the other hand, it may be pointed out that so far as the officers of the union are concerned, the leaders who have to a large extent caused the trouble, this bill, so far as I can see, gives absolutely no power, of any substance whatever, which does not already exist in the Smith-Connally Act. So all we are doing is adding the ordinary workmen on the street to those to whom the penalties of the Smith-Connally Act can be applied.

Mr. PEPPER. I think the Senator is correct in what he says.

Mr. President, all this we have done in order that the President might somehow meet an emergency which he has already met, in order that we might be prepared to face a crisis which is not in anticipation. All this we have done, Mr. President, when the President of the United States already had the authority to take over plants and to settle with the workers, as he has already done in the mine strike, and as he has already done in the rail strike. And I dare say, none of us anticipates any strike or work stoppage anything like as serious as those two which already have been settled by the order of the President.

Mr. President, I desire to thank Senators for their consideration and their indulgence, and I express the hope that even as late as at the time of the final passage of this bill there may be a reservation as to giving this unwarranted and this unprecedented authority.

Mr. O'MAHONEY. Mr. President, I desire to say that I do not accept the interpretation of this measure which has just been announced by the Senator from Florida. This bill depends completely upon the declaration of the President that the maintenance of the national economy is necessary. Without the maintenance of the national economy there can be no security for labor, there can be no prosperity for those who may regard themselves as men or women of property, and there can be no safety for the people of the United States as a whole. In my judgment, the interpretation of the Senator from Florida is completely and utterly without foundation.

Mr. BARKLEY AND OTHER SENATORS. Vote! Vote!

Mr. REVERCOMB. Mr. President, I hope the Senate will bear with me for a brief observation in regard to this measure before the vote is taken upon it.

I am thoroughly impressed with the changes which have been made since we began consideration of the pending bill. I am particularly impressed by the fact that the section which provided that the workingman could be impressed into the Army and placed under the force of martial law has been stricken from the bill by a great majority of Members of the Senate upon a vote. I have opposed that section from the beginning of this discussion which has lasted throughout the week.

I am also glad that, as we approach a final vote, section 9, which provided for the seizure of any business or industry and permitted the President to use public funds to operate it and to place any profits in the Public Treasury, has also been eliminated.

I saw in that section Mr. President, an open gate for those in our country who are communistically inclined, to foment trouble so that the Government would be compelled to seize the plants and industries, and operate them under Government ownership. It would not have been an ordinary seizure had that section remained in the bill, but it would have been a seizure of ownership, and the Government would have been compelled to finance the business and take the profits made from it, and perhaps to have continued such operation.

With respect to injunctive relief, it has already been pointed out that such relief is not a power given to, or which may be sought by any employer, but is a power which is placed in the hands of the Government, because the Government is the one which takes over in the interest of the public at large, and only upon the order of the President, and only through his authority may injunctive procedure be taken.

I had wished that we did not have to enact any legislation on the subject at all. But events have shown that legislation is necessary. We cannot close our eyes to the facts. My sympathies are with the individual worker. I believe that he wants to work. I believe that he wants his income to be continued. I believe that he does not want to lay off during the arbitration of settlements, or during disputes which may arise. I believe that he would rather continue to draw his income instead of spending his savings which he has laid aside to use at some time in the future. If he desires that, then the opportunity to continue should be given him.

It seems to me that the proposed legislation, and particularly the legislation which we passed last Saturday night, will give protection and opportunity to the worker who himself desires to continue his work so that when disputes arise he will have no fear about going ahead and will have an opportunity to continue receiving the income which he needs.

Mr. President, I join in giving this proposed power to the President of the United States with the earnest hope

and trust that it will be used wisely, and only when the general welfare of the entire country is threatened.

Mr. GEORGE. Mr. President, I do not rise to make a speech, but to deny categorically the interpretations which have been placed upon this bill by the Senator from Florida, and others who may participate with him in the views which he has expressed.

This bill does not prescribe a criminal offense on the part of any individual, except an officer or an employee who is conducting or permitting a lock-out or interruption, or an officer of a labor organization who is conducting or permitting a strike, slow-down, or interruption.

Mr. PEPPER. Mr. President, will the Senator yield? I do not wish to interrupt the Senator now if he does not wish to yield to me, but I should like to have an opportunity to make a statement.

Mr. GEORGE. I yield.

Mr. PEPPER. Is it not true that under the Federal statute, when an offense is declared to be unlawful and no specific penalty is provided, there is a catch-all penalty provision?

Mr. GEORGE. I know of no such provision.

Mr. PEPPER. I am sure there is.

Mr. GEORGE. I am sure there is no such provision. In the pending bill there is no intention to define a crime. There is no offense on the part of the individual worker. Of course, an individual worker may concert with another individual worker, or a dozen individual workers, and engage in a strike and become subject to the injunctive process. But subsection (b) of section 4 is a declaration that the "continuation of a strike, lock-out, slow-down, or any other interruption,"—which means any other like interruption, of course, under every rule of construction—is declared to be unlawful, but no penalty is attached to it. It is the basis, of course, of injunctive relief, but it is the continuation of the strike which makes it necessary for the Government to take over. Therefore, there is no offense against an individual who acts in his individual capacity in refusing to work, or in leaving a plant.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GEORGE. I decline to yield.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. GEORGE. I am not engaging in a didactic exercise.

The only provision which applies to an individual in this whole bill, unless the individual himself is an offender, is when he is a strike participant, and resisting an injunctive process as a member of an organization or a group. A strike can never be carried on by one person. It must always be carried on by two or more persons. Under this bill, the individual will be affected only when, after the Government has taken over, he declines to reenter the employ of the employer, or refuses to return to work either while the Government is operating the plant or when the owner takes over. In that case, if he does present himself for reemployment he may be taken back and even his rights under the National Labor Relations Act and the Railway Labor Act may be completely restored to him. The only possible deprivation to the individual as such, when he is acting in his individual capacity under this bill, and is not one of the officers or agents of the employers, or one of the officers or agents of the union, would be in the denial of the right or immunity which is given to the worker under the National Labor Relations Act or under the Railway Labor Act, in the event that he declines to return to his work while the Government is in possession of the plant.

Mr. President, I merely wished to say that much because I regard it as grossly unfair for any man occupying a seat in the Senate of the United States to make to the great American public and to that vast host of men and women in America who are numbered among America's workers a statement that will not hold water.

Mr. FERGUSON. Mr. President, I wish to say that I am in entire accord with the interpretation just given to the sections of the bill by the able Senator from Georgia. After hearing all the discussion, I think that a fair interpretation of subsection (b), on page 3, is that the man would be compelled to take concerted action with some one else, and that a fair interpretation is that the exceptions of section 6 of the Smith-Connally Act are in effect in that section. As the bill is now on the desks of Senators, I can vote for it, because I think under the circumstances it is fair to all parties concerned, and to the American people.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. PEPPER. To make a motion.

The PRESIDING OFFICER. What is the motion?

Mr. PEPPER. The motion is that the bill be recommitted.

The PRESIDING OFFICER. All in favor of the motion——

Mr. PEPPER. No, Mr. President; I wish to address myself to the motion. It is debatable, is it not?

The PRESIDING OFFICER. It is.

Mr. PEPPER. Mr. President, in answer to what has been said in response to what I gave as my honest interpretation of this section, I may say that I did not expect I was being made a man of questionable character because I gave my own legal interpretation of this section. I think I have a right to reply when I am attacked for giving what I believe to be the meaning of the section.

Mr. President, I address myself to page 3, section 4, subparagraph (b), which reads:

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

Mr. President, a continuation of a strike will mean one individual not going back to work at the proclamation of the President.

I understood the able leader—I may have misunderstood him—in arguing the amendment of the Senator from West Virginia, to emphasize the necessity of being able to use injunctive relief against an individual, and I wonder why subsection (b) of section 4 was made unlawful if it was not intended to mean something.

Mr. President, I have not been able to get the criminal code index, and I do not know whether one able lawyer sitting near me would care to express an opinion or not, but it is my recollection that when under a Federal statute an act is declared unlawful and no specific penalty is provided, there is a general catch-all provision, a general provision of the Federal statute, which says what penalty shall apply. I am perfectly willing, when I have time to examine the statutes, to bring the matter again to the attention of the Senate, to see whether I am so grossly wrong or not. I may be in error. I am giving the benefit of my best recollection.

I ask why the word "unlawful" was put in the section unless it was intended to mean something, because in a statute every word is presumed to have some purpose, and to be inserted for some meaning, and it is declared unlawful for a worker to continue a strike—that means not to go back to work. I am just giving one illustration, and I could give more.

I say, therefore, that even the criminal section of this proposed statute in my opinion is applicable to the individual, and can be enforced against him. For example, if there were a mine strike, and the miners were ordered to go back to work, and a miner said, "I will stay out," he would be subject to criminal prosecution for staying out. That is what I said a while ago.

Secondly, I said the individual was subject to injunctive process upon the petition of the Attorney General, and unless I grossly misunderstood the able leader, he argued against the amendment of the Senator from West Virginia because that amendment was intended to except the individual who did not work, or did not go back to work, from the penalty of contempt of court under section 5.

I understood the able leader to argue the necessity of having that provision, that it should not be necessary to prove conspiracy, concert of action, common understanding; that it was necessary to get results, to apply the injunctive remedy to the individual. That is what I understood the leader to say. Whether he said it or not, that is what I understood.

Mr. BARKLEY. Mr. President——

Mr. PEPPER. If the Senator will pardon me just a moment, that is what I understood the language of section 5 to mean, when it says:

> The Attorney General may petition any district court * * * for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Disputes Act.

Section 4, as the Senator from Kentucky clearly pointed out, has two parts to it, subparagraph (a), which applies to officers and agents of employers and officers and agents of labor organizations, and subparagraph (b), which applies to the workers themselves.

Mr. President, I may be wrong, but I respectfully submit that honest men may differ in their interpretation of the lan-

guage of that section, and I am just about as honest, I believe, according to my standards, as other Senators, and I do not think I am subject to being accused of trying to propagate some falsehood upon the country because I give what is my interpretation of the language.

As I have said, I believe the bill means exactly what I said it means, and is intended to apply to the individual. If I am in error, it is a conscientious error.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, the Senator has put an interpretation upon what I stated in argument, and I do not want any misinterpretation, however innocently made, and I do not suggest at all——

Mr. PEPPER. I certainly do not wish to misinterpret the Senator.

Mr. BARKLEY. I do not suggest that, but inasmuch as the Senator did put words in my mouth, or an interpretation on my statement, I wish merely to say that in opposing the amendment of the Senator from West Virginia, and other similar amendments, I stated that the whole theory of the bill was based upon concerted action on the part of those who engaged in strikes or lock-outs. I emphasized the fact that, if a single individual, free from anybody else, dissociated completely from anybody else, made up his mind that he wanted to quit work, he had the right to do that, and the injunctive process would not apply to him. But the theory of this section is that there is concerted action, there is a strike, and a strike must be participated in by more than one person, and wherever there is concert of action, regardless of the number, whether it may be 100 or 1,000, the injunctive process would apply to each of those who were guilty of the concert of action which resulted in the strike.

There is a vast difference between that and an individual man making up his mind that he is ready to quit work on his own, without any regard to any concert of action or any conference or agreement with anyone else. That is the interpretation I put upon it.

Mr. REVERCOMB. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. In just one minute. I again want to read subparagraph (b), and see whether there is anything in it about concert of action. The able Senator may have his own theory about the theory of the bill, but the bill will be construed by Federal judges. I heard what the Senator said about concert of action in debate but this is the language we are passing in this bill.

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

I ask the able leader where there is anything in that about concert of action.

Mr. BARKLEY. I will tell the Senator where it is if he can tell me how one man can strike by himself.

Mr. PEPPER. A little while ago there was a truce in the mines. Mr. Lewis asked the miners to go back to work. Ninety thousand miners in western Pennsylvania did not go back. If two did not go back, it would seem to be a continuation of the strike for those who did not go back. I believe it is a fair interpretation that that would subject the two who did not go back to work—and the purpose of the bill is to get them all back to work—to this injunctive process.

Mr. REVERCOMB. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I know that if there is any doubt about this language, and the bill should become law, the courts will turn to the RECORD of the debates in the Senate, perhaps, for guidance in interpreting the law, and since the majority leader has guided the bill through on behalf of its proponents, may I address a question to the Senator from Kentucky, with the permission of the Senator from Florida?

I want to ask the Senator from Kentucky very directly if it is his view that the stoppage of work by an individual, by any one man acting upon his own judgment, or refraining from work acting upon his own individual judgment, subjects him to any punishment or any penalty, or injunctive action under the bill. What is the answer of the Senator from Kentucky?

Mr. BARKLEY. I stated as clearly as I knew how to state, in the first place, over and over again, and reiterated it time after time, that the penalty provided for in subsection (c) of section 4 does not apply to subsection (b), which applies to individual workers. It applies only to subsection (a), which includes officers of either corporations or organizations.

I hesitate to feel that whatever I may say here may have any effect upon a court in interpreting the law, but I think I have said, and I maintain, that wherever a single human being at work for anybody decides that he does not want to work any longer he has the right to cease work, and there is no penalty. But where he does it as the result of concert of action, by agreement, which is the sort of thing we are trying to deal with here, he would not be subject to the penalty described in subsection (b), a fine and imprisonment, but he would be subject to the economic penalty of losing his status as an employee, and, along with all those who had concerted with him, he would be subject to the injunctive process under section 5.

Mr. REVERCOMB. Mr. President, will the Senator from Florida yield for a moment?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I wanted that answer from the Senator from Kentucky because, as I want to say to the Senator from Florida emphatically, if I believed this law would prevent any individual man from stopping work upon his own judgment or from refusing to go to work or from staying away from work for any cause which he in his own judgment thought sufficient, I would not support the bill. But it seems to me that this measure is aimed at a concerted action—I will not use the word "conspiracy," but an action where several get together to effect the purpose.

SEVERAL SENATORS. Vote! Vote!

Mr. CORDON. Mr. President, I shall detain the Senate for just a moment. First I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CORDON. Did the Senator from Florida withdraw his motion to recommit? May I inquire as to whether the Senator from Florida withdrew his motion to recommit?

Mr. PEPPER. Mr. President, in order that I might have an opportunity to give my interpretation of the meaning of this measure in reply to what was said by the Senator from Georgia [Mr. GEORGE], and my time on the bill having elapsed, I made a motion to recommit the bill. I do not wish to press the motion. And I now withdraw it.

Mr. CORDON. Mr. President, I regret that the Senator from Florida withdrew his motion. I think that during the time I have been a Member of the Senate, covering a period of a little more than 2 years, there has never been an occasion when the debate on this floor has more clearly exemplified a situation demanding a more searching investigation into a major problem than has this. Admittedly the bill came here without careful consideration. It had to because of the emergency. Admittedly the committee which considered it reported it without adequate consideration. It felt under the circumstances that that was its duty. Admittedly, Mr. President, the Members of this body have not had an opportunity to consider the major problems involved in legislation of the magnitude of that which faces us tonight.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. Will the Senator permit me to continue for a moment, please.

At the best, Mr. President, the consideration which we have been able to give has been cursory. The measure could not be well considered. We have not had the time to do it. We have not had an opportunity to make the research necessary upon which to predicate it. We have not had the opportunity to call upon those who have the information and the experience that we do not have. Yet at this time we are called upon to cast a vote upon a bill which, despite what anyone says, despite what contention may be made to the contrary, carries within it certain sections that in my opinion very gravely impinge upon the constitutional guaranties of the people of this country.

Mr. President, when I make this statement I want to call to the attention of the Senate the fact that my record in the Senate in the last 3 weeks in connection with the consideration of the amendments to the Case bill indicates certainly that I am not one of those who have gone all-out for organized labor solely because it happens to be organized labor. I voted right down the line for amendments which substantially put into that bill the so-called Case provisions. I did that, Mr. President, because in my considered opinion when we contemplated the emergency facing the country it was better to put some affirmative provisions into that law which could go into effect, and through actual operation give to the

Senate and to the people an experience in fact upon which we could base our conclusions as to where we may have been wrong in those amendments.

The fact, Mr. President, that the law before the amendments were added was inadequate, the fact that there were injustices, was so evident that it needed no consideration. I voted for those amendments to the Case bill. I hoped that we would have there at least the basis upon which we could create a structure of law that was fair to all people. I still have that hope.

Mr. President, I recognize what faced the Senate when the seizure bill came forth, I recognized what faced that harassed man at 1600 Pennsylvania Avenue when the coal strike hit him, and the railroad strike hit him, and he knew not where to turn. I recognize those things and appreciate them, and I am willing to go as far as the next patriotic American citizen in assisting in working out a solution of the problem.

But Mr. President, I cannot believe that this bill is even an approach to the solution. There is nothing in it in the way of fundamental law that does not exist in the Smith-Connally Act. Shall we say, "Yes, we have the injunction proceeding?" Let me answer, Mr. President, that in the Smith-Connally Act we have a criminal provision which is far stronger. Has it ever been used? It never has. Have we not witnessed the strike in the coal fields led by Mr. John L. Lewis in connection with which for almost 3 weeks he was in violation of the criminal section of the Smith-Connally Act—guilty of a crime under the law of the United States, subject to a fine of $5,000 and imprisonment in a Federal institution for a year? Has anything been done with reference to an indictment under that law? There has not.

Mr. President, understand me, I do not criticize that situation. In the very nature of things such a thing could not have been done. Mr. Lewis was representing the men who charged him with the duty of representing them. The only possibility in the wide world that the Federal Government had of reopening the coal mines rested in the Government dealing with the only representative in the United States with the power to deal. So the Government did the only thing it could, and the same thing will be true Mr. President, if we add to that penalty an equally ineffective injunction proceeding.

Mr. President, the point I want to make is this: We are putting this law on the statute books without having given to the workingman of this country a fair break. We are saying that the industries involved, the public utilities, all those of interstate character and essential to the economy of the Nation, or any of them, may be seized; that the various mechanics of the act may be used; all of them directed against men whose honest day's labor makes for their functioning or makes them worth a continental. Have we anywhere in the measure set up any board, any tribunal, any court to which that workingman can come and bring his appeal or his complaint and say, "This is what I think is wrong. This is where I think an injustice exists. These are the facts upon which my complaint is based. I ask for an honest adjudication so I may not be compelled to strike"?

Is there anything in the measure that gives the workingman that chance? Again let us be wholly fair. In connection with the railroads there is. The Railway Act gives an opportunity for arbitration. But where else—where in connection with communications, where in connection with the busses, where in connection with all the other industries, including the coal mines, may the workers go for an opportunity to present their case to anybody but to those who are opposed to them: their employers? Where can they go?

I want to say frankly, I subscribe wholeheartedly to the philosophy that there can be no right to strike against one's government. I shall support that to any extent that may be necessary. But, Mr. President, so long as there are men in great numbers who are dependent on their work every day for their daily bread and for the lives of their wives and children, I shall not support the type of legislation which comes here until we have established a tribunal which is fair and impartial, where those men may go and have their cases considered before this type of action—seizure—is authorized to be invoked. We have not done it, Mr. President.

I regret that the Senator from Florida did not insist upon his motion to recommit. I cannot but feel that if we devote 5 days or 10 days to careful and complete committee action, out of it can come a bill which will give to the average working "stiff" an opportunity to be heard before he is brought before a court in an injunction proceeding because he is attempting to get a little more of this world's goods than someone else thinks he should have.

So, Mr. President, I move that the bill be recommitted, with its amendments, to the Committee on Interstate Commerce, with directions that that committee report the bill, with its recommendations and such comments as it wishes to make, on or before the 10th day of June 1946 .

Mr. STEWART. Mr. President, I move to lay that motion on the table.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. AIKEN. Does the Senator recall any other instance since he has been a Member of the Senate when citizens of the United States have been denied the right of petition to their Congress? Is it not true that responsible citizens of this country, including ex-Governor Stassen, of Minnesota, have asked to be heard on this bill and have been denied that right?

Mr. CORDON. I have no personal knowledge as to the facts; but the fact is clear that there has been no opportunity, which should be given, in order that we may enact the type of American legislation which gives to every man the honest break to which he is entitled, while at all times maintaining the supremacy of the Government of the United States for the benefit of all the people.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. STEWART] to lay on the table the motion of the Senator from Oregon [Mr. CORDON] to recommit the bill.

The motion to recommit was laid on the table.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from New Hampshire [Mr. TOBEY], who would vote as I am about to vote. I vote "yea."

The PRESIDING OFFICER (Mr. HOEY in the chair). My colleague, the senior Senator from North Carolina [Mr. BAILEY] is absent because of illness. If present and voting, he would vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "nay," and the Senator from Maryland [Mr. TYDINGS] would vote "yea."

I announce further that if present and voting the Senator from Florida [Mr. ANDREWS] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably absent. If present he would vote "yea."

The Senator from North Dakota [Mr. LANGER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business. If present he would vote "yea."

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 61, nays 20, as follows:

YEAS—61

Austin	Gurney	O'Mahoney
Ball	Hart	Overton
Barkley	Hatch	Radcliffe
Brewster	Hawkes	Reed
Briggs	Hayden	Revercomb
Brooks	Hickenlooper	Robertson
Buck	Hill	Russell
Burch	Hoey	Saltonstall
Butler	Huffman	Smith
Byrd	Johnson, Colo.	Stanfill
Capehart	Johnston, S. C.	Stewart
Capper	Knowland	Thomas, Okla.
Connally	Lucas	Vandenberg
Donnell	McClellan	Walsh
Eastland	McFarland	Wherry
Ellender	McKellar	White
Ferguson	McMahon	Wiley
Fulbright	Maybank	Willis
George	Moore	Wilson
Gerry	Murdock	
Green	Myers	

NAYS—20

Aiken	Magnuson	Pepper
Cordon	Mead	Shipstead
Downey	Millikin	Taft
Guffey	Mitchell	Tunnell
Kilgore	Morse	Wagner
La Follette	Murray	Wheeler
McCarran	O'Daniel	

NOT VOTING—15

Andrews	Bushfield	Taylor
Bailey	Carville	Thomas, Utah
Bankhead	Chavez	Tobey
Bilbo	Gossett	Tydings
Bridges	Langer	Young

So the bill (H. R. 6578) was passed.

Mr. BARKLEY. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Chair will announce the appointment of conferees at a later time.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

Mr. GURNEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1184, Senate bill 2057, and that it be made the unfinished business of the Senate.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota [Mr. GURNEY].

The motion was agreed to; and the Senate proceeded to consider the bill, which is as follows:

Be it enacted, etc., That all of the provisions of the Selective Training and Service Act of 1940, as amended, are hereby expressly reenacted, except those provisions which are hereinafter amended or repealed.

SEC. 2. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: "*Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947: *And provided further*, That on July 1, 1947, the number of men in active training or service in the Navy shall be 558,000 and in the Marine Corps 108,000: *And provided further*, That the monthly requisitions on the President under this act by the Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the 3 months preceding that month in which the requisition is made. The men inducted into the land or naval forces for training and service under this act shall be assigned to camps or units of such forces."

SEC. 3. Section 3 (b) of such act, as amended, is hereby amended to read as follows:

"(b) Each man inducted on and after October 1, 1946, under the provisions of subsection (a) shall serve for a period of training and service of eighteen consecutive months, unless sooner discharged. Each man inducted prior to October 1, 1946, under the provisions of subsection (a) who shall have completed a period of training and service under this act of 18 months or more shall, upon his request, on and after such date, be relieved from active service. Notwithstanding the foregoing provisions, whenever, after January 1, 1946, the Congress declares that the national interest is imperiled, such periods of training and service may be extended by the President to such time as may be necessary in the interest of national defense."

SEC. 4. Section 3 (e) of such act, as amended, is hereby repealed.

SEC. 5. Section 5 (e) of such act, as amended, is amended by adding at the end thereof the following new paragraphs:

"(3) Every registrant found by his selective-service local board, subject to appeal in accordance with section 10 (a) (2), to have a child or children dependent upon him for support, or with whom he maintains a bona fide family relationship in their home, shall not, without his consent, be inducted for training and service under this act. The term 'child' as used in this paragraph includes a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child, but such term does not include any person 18 years of age or over, unless such person is physically or mentally handicapped.

"(4) Any man inducted under the provisions of section 3 (a) of this act who has a child or children, as hereinabove defined, dependent upon him for support, or with whom he maintains a bona fide family relationship in their home, shall, upon his request after August 1, 1946, be relieved from his period of training and service under this act."

SEC. 6. Section 5 (m) of such act, as amended, is amended to read as follows:

"No individuals shall be called for induction, ordered to report to induction stations, or be inducted because of their occupations, or by occupational groups, or by groups in any plant or institutions, except pursuant to a requisition by the land or naval forces for persons in needed medical professional and specialists categories."

SEC. 7. Section 16 (b) of such act, as amended, is amended to read as follows:

"(b) All of the provisions of this act, except the provisions of sections 3 (c), 3 (d), and 8, and the fourth proviso of the second sentence of section 3 (a), shall become inoperative and cease to apply on and after May 15, 1947, or on such earlier date as may be specified in a concurrent resolution of the two Houses of Congress for that purpose, except as to offenses committed prior to such date. On May 15, 1947, or on such earlier date as may be specified in such concurrent resolution, all the functions, responsibilities, records, and property of the Personnel Division of the Selective Service System shall be transferred to such agency of the Federal Government as the Congress may designate, or, if not so designated, to such agency of the Federal Government as the President may prescribe."

SEC. 8. The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $94; enlisted men of the fifth grade, $82; enlisted men of the sixth grade, $70; and enlisted men of the seventh grade, $65. Chief petty officers under acting appointment shall be included in the first grade at monthly base pay of $132."

SEC. 9. The provisions of section 8 of this act shall become effective on the first day of the second calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act.

REFINANCING OF NIAGARA FALLS BRIDGE

Mr. MEAD. Mr. President, I ask unanimous consent for the present consideration of a bridge measure which was reported earlier in the day. I have discussed the matter with the majority and minority leaders, and it is necessary to take it up tonight in order that the refinancing which is now under way may take place. I refer to House Joint Resolution 340.

The PRESIDING OFFICER. The joint resolution will be read by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 340) to amend the joint resolution creating the Niagara Falls Bridge Commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I inquire to what does the joint resolution apply?

Mr. MEAD. The joint resolution would permit the refinancing of a bridge built just before the emergency. The operation of the bridge was impaired as a result of gasoline restrictions, automobile restrictions, and so forth. It is desired to refinance so as to reduce the interest rate from 4½ percent to 2½ percent, and in that way expedite payment for the bridge. When the bridge is paid for it will become the property of the State of New York and the Province of Ontario. The financing is arranged to take place the 1st of June.

Mr. HICKENLOOPER. Does the bill apply to interstate bridges generally?

Mr. MEAD. No; only the Niagara Falls Bridge Commission. The joint resolution applies only to one bridge. As I say, I have discussed the matter with the majority and minority leaders.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. WHITE. As I understand, it is a matter of primary interest to the State of New York.

Mr. MEAD. That is correct.

Mr. WHITE. The joint resolution would authorize the joint commission which has been established and which has been in existence for a number of years to refund outstanding bonds and issue in their stead bonds at a lower rate of interest.

Mr. MEAD. That is correctly stated.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. AUSTIN. I should like to inquire whether this measure provides for immunity of these bonds—if bonds are to be employed in refinancing this property—from taxation?

Mr. MEAD. No. These are taxable bonds. It is desired to take advantage of an opportunity to obtain a lower rate of interest on the bonds which are now being refinanced, and the refinancing is to be completed on the 1st of June. The joint resolution was introduced by the Representative from the Niagara district. It came over to the Senate and was held up until just now.

Mr. AUSTIN. Are the bonds taxable by the Federal Government?

Mr. MEAD. That is correct.

Mr. AUSTIN. Then, I object.

Mr. MEAD. The old bonds were also taxable. The joint resolution has nothing to do with that feature of it.

Mr. AUSTIN. Mr. President, a very fundamental question is involved in the matter of taxation of securities of States and their subdivisions by the Federal Government, in which many Senators are interested. They are very much opposed to the idea of the Federal Government reaching into sources of States revenue. If the immunity of such bonds is removed by this bill, I wish to have an opportunity to consider the matter carefully.

Mr. MEAD. I will say to my distinguished colleague from Vermont that the bonds were taxable bonds, and they were authorized in 1941 when the Bridge Commission was created. Those bonds are now in existence, and this measure would merely finance them at a lower rate of interest. The bill does not provide for a new authority.

Mr. AUSTIN. Mr. President, I feel obliged to object until I can study that matter.

LEAVE OF ABSENCE

Mr. WILLIS. Mr. President, I ask unanimous consent to be absent from the sessions for the next 2 weeks, to attend to important business in Indiana.

The PRESIDING OFFICER. Without objection, consent of the Senate is granted.

RELEASE BY THE COMMITTEE FOR MARITIME UNITY

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a release which has just been issued by the maritime unions in connection with a matter of importance in the maritime industry. I ask to have the release published in the RECORD, not because I necessarily approve of the comments made in the release, but because in my judgment it is indicative of trouble ahead.

I wish to say that I never was more inclined to thank God for the United States Supreme Court than I am at this moment because I am convinced that, with the crises which lie ahead, the United States Supreme Court, as it comes to pass judgment upon the action taken tonight by the United States Senate, will demonstrate very clearly that, in legal interpretation, the bill passed by the Senate will never stand the tests which will be applied to it by the Court. I think that if there is an opportunity to get the bill we have passed before the Court, it will be found to be clearly unconstitutional; and I think the sooner it is declared unconstitutional, the better, so that we can avoid the type of storm clouds which are rising, as indicated by the release which I am now asking consent to have published in the body of the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., May 31, 1946.—The maritime unions are in Washington at the request of the United States Government Department of Labor. They were called here to confer with the American ship operators. The purpose of this conference was to avert a national shipping strike June 15. Negotiations with the ship operators commenced last Wednesday, under the supervision of Government representatives.

In opening the meetings, Secretary Schwellenbach insisted that both unions and ship operators must make every effort to avoid a maritime strike, by settling the issues in dispute through negotiation. He further insisted that neither party make any public statements with respect to the meetings and pledged both parties to the condition that all press releases come from the Secretary of Labor. The unions accepted and have observed the Secretary's wishes in this respect.

While the unions kept silent in the interest of preventing a maritime strike through peaceful negotiations, President Truman today, in complete disregard of the facts involved in the negotiations, and despite the Secretary of Labor's demand for no inflammatory statements, has deliberately fired a torpedo into the negotiations. By guaranteeing the American ship operators that he will break any maritime strike and will break any maritime union daring to strike, he has encouraged the American ship operators to refuse any reasonable settlement in the current negotiations which resume at 8 p. m. tomorrow.

At least, in the railroad strike the President did not move to break the strike before the negotiations had gotten under way. Yet that is what he threatens in the case of the maritime workers.

President Truman has turned his back on his and the Democratic Party's pledge to the American seamen to support their struggle for a reduction of their workweek from 56 to 63 hours per week to 40 hours. Yet such a reduction of hours is the main issue in dispute between the unions and the shipowners. The unions were defeated in their attempts to have the seamen covered by the wage-hour laws that protect workers ashore, thus forcing maritime workers to seek such protection through collective bargaining.

Despite President Truman's undermining of the unions' efforts to seek a peaceful solution and his invitation to the shipowners to hang tough in the current negotiations by his statement that he will use the full military and naval power of the Government to break a maritime strike and the maritime unions, these unions are determined to continue their efforts to achieve a 40-hour week and reasonable wage adjustments. The unions are still hopeful that the main issues can be negotiated, and they will continue their efforts despite the President's outright declaration of full support to the ship operators before negotiations have barely begun.

The torpedo that President Truman sent into the union-shipowner conferences will eventually have effects he never anticipated. It will eventually explode to the detriment of his entire administration, his party, and any future Presidential ambitions he might entertain at this time.

The maritime unions hope that the American people will make President Truman realize that he needs a cooling-off period between his strike-breaking acts.

NATIONAL HEALTH PROGRAM—PRINTING OF ADDITIONAL COPIES OF HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR

Mr. MURRAY submitted the following resolution (S. Res. 275), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Senate Committee on Education and Labor be, and is hereby, authorized and empowered to have printed for its use 1,000 additional copies of the hearings held before the said committee during the Seventy-ninth Congress on the bill (S. 1606) to provide for a national health program.

EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENT

Mr. WILLIS submitted an amendment intended to be proposed by him to the bill (S. 2028) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was referred to the Committee on Banking and Currency and ordered to be printed.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which were referred to the appropriate committees.

(For nominations this day received, and nomination withdrawn, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate stand in recess until 12 o'clock noon today.

The motion was agreed to; and (at 12 o'clock and 38 minutes a. m. on Saturday, June 1, 1946) the Senate took a recess until 12 o'clock meridian of the same day.

NOMINATIONS

Executive nominations received by the Senate May 31 (legislative day of March 5), 1946:

SECURITIES AND EXCHANGE COMMISSION

Edmond M. Hanrahan, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1947.

SELECTIVE SERVICE SYSTEM

Col. Claude C. Earp for appointment as State director of selective service for Missouri under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

(Compensation for the position of State director of selective service for Missouri will be at the rate of $7,102.20 per annum.)

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Harry Hawkins Vaughan (lieutenant colonel, Field Artillery Reserve), Army of the United States.

IN THE NAVY

Rear Adm. Robert D. Carney, United States Navy, to be a vice admiral in the Navy, for temporary service.

IN THE MARINE CORPS

The following-named naval aviators of the Marine Corps Reserve to be second lieutenants in the Regular Marine Corps, in accordance with the provisions of the Naval Aviation Personnel Act of 1940, as amended, to rank from the dates stated:

Gilbert Percy, from the 15th day of May 1942.

Judson C. Richardson, Jr., from the 22d day of May 1942.

Thomas D. Stockwell, Jr., from the 18th day of June 1942.

Richard B. Cropley, from the 11th day of August 1942.

Donald J. Gehri, from the 1st day of January 1943.

Edward R. Agnew, Jr., from the 1st day of March 1943.

Thomas J. Bardon, from the 1st day of May 1943.

Charles L. Schroeder, from the 16th day of July 1943.

John N. Snapper, from the 16th day of November 1943.

Byron C. Allison, from the 16th day of November 1943.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 31 (legislative day of March 5), 1946:

SECURITIES AND EXCHANGE COMMISSION

Edmond M. Hanrahan to be a member of the Securities and Exchange Commission.

HOUSE OF REPRESENTATIVES

FRIDAY, MAY 31, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pause in Thy presence with grateful testimony for Thy loving providence, which is a river of blessing flowing from Thy throne. We beseech Thee to let this stream of cleansing enlighten and idealize our national life. Do Thou appeal to that instinct of recovery, to that temper of hope which Thou hast established in the human breast. Blessed Lord, may these days of memory be days of reconsecration to our Republic, drawing every section of our land toward a more complete knowledge of righteousness and brotherhood. Graciously be with our President and with every citizen of every station. May our institutions not fail through our misuse of them and because of our sins against God and man. O do Thou lift our people to that high plane of purer air where peace and tranquillity dwell, and where fret and fever pass away. For whatever awaits us we would rest in Thy hands; and praise and glory be unto Thee forever. In our Saviour's name. Amen.

The Journal of the proceedings of Wednesday, May 29, 1946, was read and approved.

RESIGNATION

The SPEAKER laid before the House the following communication:

MAY 31, 1946.

HON. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Virginia my resignation as a Representative in Congress of the United States from the Fifth District of Virginia, to become effective as of this date.

Sincerely yours,

T. G. BURCH.

ELMER D. THOMPSON

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3543) for the relief of Elmer D. Thompson, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. McGEHEE, Mr. COMBS, and Mr. PITTENGER.

SPECIAL ORDER GRANTED

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

NATIONAL DEFENSE

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, agree to the conference requested by the Senate and ask for the appointment of conferees on the part of the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. ANDREWS of New York, and Mr. SHORT.

EXTENSION OF REMARKS

Mr. BLAND asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a tribute on the life and character of the late Senator from Virginia, Hon. Carter Glass, and include an editorial, and in the other an address delivered by Hon. HENRY M. JACKSON at the Propeller Club in Washington.

Mr. LUTHER A. JOHNSON asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a brief editorial and in the other an article by Dr. Emerson Fosdick.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances and include articles in each.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Portland Oregonian.

Mr. GROSS asked and was given permission to extend his remarks in the RECORD and include a copy of the Memorial Day address delivered by ex-Governor Bricker.

HOUSING SHORTAGE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, while Congress was considering the housing bill, there was a great deal of hysteria and loose talk. There were frequent charges that the building program was being delayed. What are the facts as of today?

Housing Expediter Wilson Wyatt has announced the goal of his efforts for 1946 is 700,000 conventional type dwelling units. The Bureau of Labor Statistics says that in the first 3 months of this year, 171,000 building permits were issued for conventional type dwelling units and that about 150,000 units were actually under construction. The Bureau also estimates that in the month of April, 65,000 units were started.

These figures clearly show private industry on its own resources will build more units than the Expediter expected to obtain. Give the American people half a chance, and they will take care of the housing shortage, with the same energy and the same speed they showed in supplying the enormous demands of the war effort.

These figures further show the Expediter, with his subsidies and his expensive organization, must lift his goal. Surely it is reasonable to expect now more than what the people were doing themselves without assistance.

MEMORIAL DAY

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I wish to call to the attention of the House that there is at least one community in the United States where the old patriotic spirit is still alive. In Gettysburg, Pa., yesterday, 10,000 people gathered in the town to do honor to our heroic dead. Twenty-five hundred children strewed flowers over the national cemetery. The great throng was addressed by former Governor Bricker of Ohio. People had come from far and near; more than a dozen Members of Congress and their families motored from the Nation's Capital as well as 11 page boys representing